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## **EDO NSW EBULLETIN – 29 September 2017: Number 1025**

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](#).

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## **EDO NSW News and Events**

### **Visitor from Papua New Guinea**



*EDO NSW CEO, Sue Higginson with Peter Bosip, Executive Director of CELCOR*

Last week EDO NSW hosted a friend and colleague from Papua New Guinea, Mr Peter Bosip, Executive Director of the Centre for Environmental Law and Community Rights (CELCOR). CELCOR provides legal assistance and advocacy to customary landowners in PNG. Our work in partnership with CELCOR focuses on illegal logging and mining issues. The principal aim of Peter's visit was to observe how EDO NSW operates and to consider what aspects of our operations he can implement in his organisation.

Our close ties with CELCOR have developed over many years through our International Program. Through this program we assist organisations and communities in the South Pacific to use the law to protect the environment. The overall aim of the program is to provide mentoring and technical support for governance, litigation, policy and law reform, legal outreach and scientific advice. This work covers a broad range of matters, including climate change, threats to marine environments, forestry and mining.

While in Sydney, Peter met with the staff from each of the litigation, operations, policy, outreach and science teams at EDO NSW, as well as the Board and our external partners, including senior counsel.

Reflecting on his experience Peter said: “EDO NSW is doing exactly what CELCOR was established to do. Meeting such hard working and committed people was very inspiring for me. I believe our partnership will go a long way in helping our communities protect the environment in PNG.”

We’re looking forward to working with Peter and his team into the future.



*EDO NSW International Programs Coordinator, BJ Kim with Peter Bosip, Executive Director of CELCOR*

**Welcome aboard to new EDO NSW staff**

There are new faces in the EDO NSW Sydney office. Meg Lamb has started fulltime as a solicitor in the Litigation team. Meg previously worked in dust diseases litigation and general practice. Jasmine Morris completed her Practical Legal Training with us in August and is now working four days a week as a paralegal, mostly assisting with the International Program. Susan Ardill is now four days a week in Communications, having come from communications for the NSW Nurses and Midwives Association.

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## **Court and Compliance Watch**

### **Couple guilty of contempt of court**

A couple from Redhead, near Newcastle, has been found guilty in the NSW Land and Environment Court of contempt for failing to comply with Court orders. In September 2015, Lake Macquarie City Council commenced civil enforcement proceedings against Mr and Mrs Gordon for carrying out illegal earthworks on their property. The Court ordered Mr Gordon to remediate the site according to a set timetable and in consultation with a civil engineer. While some work was done, it was not completed in accordance with the timetable set by the Court and did not comply with the advice given by the civil engineer. The Court found Mrs Gordon guilty on three grounds, but did not record a conviction. She was ordered to pay the prosecutor's costs on an indemnity basis. Mr Gordon was found guilty of three charges for which he was fined a total of \$5000 and sentenced to 3 months in prison. He was also ordered to pay the prosecutor's costs on an indemnity basis.

[Read more »](#)

### **EPA fines operators for trying to pass off asbestos waste as clean fill**

The NSW Environment Protection Authority (EPA) has issued \$29,000 in fines after waste, including asbestos waste, was deposited at a private property in Mowbray Park, in south-west Sydney.

In September 2016, Wollondilly Shire Council referred the matter to the EPA after confirming that fill material received at the site contained asbestos. After investigating the matter the EPA considered that Christopher Binos and George Kolistasis were responsible for transporting the asbestos-contaminated material to the site.

The EPA issued \$16,250 in fines to Mr Binos, which included a \$7,500 fine for failing to comply with EPA directions. Mr Kolistasis (who is known to operate under the banner 'Deca Australia') was fined \$8,250, with Deca Australia Pty Limited and Deca Australia Holdings Pty Limited fined \$4,500 for failing to comply with notices issued by the EPA.

[Read more »](#)

### **North Coast sawmill fined \$15,000**

A North Coast sawmill operator has been fined \$15,000 by the NSW Environment Protection Authority (EPA) for ongoing poor sediment controls impacting a nearby creek.

An EPA inspection at the Bucca-based sawmill near Coffs Harbour identified that the operator, Leonard J Williams (Timber) Pty Ltd, was failing to protect Bucca Bucca Creek from sediment pollution caused by the mill's operations.

The EPA has been working with the operator since 2016 to have the site's sediment and erosion controls upgraded to acceptable standards. Recent inspections confirmed that fundamental deficiencies in these controls remained.

[Read more »](#)

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## Law Reform and Policy Watch

### Changes to the Housing Code

The new simplified Housing Code commenced on 14 July 2017 which apply to homeowners undertaking exempt and complying development under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

These amendments started on 22 September 2017.

[Read more »](#)

### Recent EDO submissions and reports

- [Draft management plans for Australian Marine Parks that are managed by Parks Australia – EDOs of Australia submission](#)
- [Submission on the Environmental Impact Assessment Improvement Project - Draft EIA Guidelines – EDO NSW submission](#)
- [Draft Water Management \(General\) Regulation 2017 – EDO NSW submission](#)
- [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](#)
- [NSW biodiversity and land management reforms draft regulations and products - EDO NSW submission](#)

Read all 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*

## Gazette notices

- **Draft Bilateral Agreement**

This gives notice of the intention to develop a draft bilateral agreement between the Commonwealth and NSW Governments in accordance with subsection 45(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

The notice foreshadows possible changes to the classes of actions in Schedule 1 of the current bilateral agreement of 26 February 2015 amongst other changes.

[Read the Notice »](#)

- **Surrender of Petroleum Exploration Permit**

This gives notice of the surrender of Petroleum Exploration Permit WA-480-P for which BHP Billiton Petroleum (Australia) Pty Ltd and Repsol Exploration Australia Pty Ltd are the registered titleholders.

[Read the Notice »](#)

## Local Environmental Plan tracking

- [Inner West Council](#) – Planning proposal to make permissible a ‘registered club’ on 297-309 Trafalgar Street, Petersham, to increase the height of buildings and floor space ratio development standard applying to the sites 3-7 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham.
- [Hills Shire Council](#) – Planning proposal to rezone land at 3 Gilmour Close, 7-13 Glenhaven Road and 1 Kyle Avenue, Glenhaven for the purpose of an open space facility.
- [Blacktown](#) – Planning proposal to amend the Sydney Region Growth Centre SEPP to rezone and reconfigure two parcels of land within Stockland’s Precinct 3 Elara Estate within the Marsden Park Release Area.

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

- **Safety Improvements on Stewart Avenue**

Roads and Maritime Services is planning to carry out work at the Parkway Avenue and Kemp Street intersections in Hamilton South to improve safety and reduce the risk of crashes.

Submissions are invited until Friday 13 October 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**

- *3 NSW Fisheries – Agency applications*

The Department of Environment and Energy is seeking public comments on the NSW Estuary General Fishery Assessment, NSW Estuary Prawn Trawl Fishery Assessment and NSW Ocean Trawl Fishery Assessment in order to determine export approvals beyond 27 October 2017.

[Read more and have your say »](#)

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

- [Strathfield South](#) – Proposal to remove the Tarpaulin Factory from the Part 3A approved Enfield ILC to facilitate the future development of a garden,

hardware and building supplies centre – Submissions invited until Monday 16 October 2017.

- [Finley](#) – Proposal to develop a 170MW Solar Farm and associated infrastructure – Submissions invited until Sunday 22 October 2017.
- [Chippendale](#) – Amendments to the Public Domain Plan (A-1254) to allow vehicle access (drop off/pick up, and servicing) for a future hotel within the Brewery Courtyard – Submissions invited until Friday 6 October 2017.
- [Yass](#) – Proposed modifications to increase the vegetation clearing limit of White Box – Red Box – Blakely’s Red Gum Endangered Ecological Community from 68.3 to 180.9 hectares, increase turbine blade length from 60 to 70 metres and rotor tip height from 150 to 171 metres and additional changes to ancillary infrastructure- Submissions invited until Monday 23 October 2017.
- [Perisher Valley](#) – Proposal to replace the cladding, a section of deck roof and glazing at Matterhorn Lodge, Perisher Valley – Submissions invited until Wednesday 4 October 2017.
- [Blacktown](#) – Developer monetary contributions over ten stages for the provision of State public infrastructure and services – Submissions invited until Tuesday 17 October 2017.
- [Maitland](#) – Developer monetary contribution per residential allotment for the provision of State public infrastructure – Submissions invited until Monday 16 October 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**

- [Lakeland, QLD](#) – Proposal to develop a Wind Farm project (35 wind turbines) with associated infrastructure – Submissions are invited until Wednesday 11 October 2017.
- [Bulli Creek, QLD](#) – Proposal to construct a ground-mounted solar farm which will require widening of an existing electricity infrastructure corridor to connect the Bulli Creek Solar Farm to a nearby sub-station and a temporary laydown area for equipment and shipping containers in vicinity of the site – Submissions are invited until Wednesday 11 October 2017.
- [Glenelg, VIC](#) – Proposal to widen, strengthen and seal 14.05km of the Condah-Hotspur Upper Road (CHUR) including the Crawford River Bridge – Submissions are invited until Tuesday 10 October 2017.
- [Nowergup, WA](#) – Proposal to extend the existing horticulture operations (strawberry farm) on 235 McLennan Drive. Proposed clearing area contains potential foraging habitat for the endangered Carnaby’s Black Cockatoo and comprises threatened ecological community Banksia Woodlands of the Swan Coastal Plain protected under the EPBC Act – Submissions are invited until Monday 9 October 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 listed 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**

### **Principal Solicitor EDO NQ**

The Environmental Defenders Office of Northern Queensland Inc. (EDO NQ) is looking for a Principal Solicitor to be based in Cairns.

Applications close 12 October.

[Read more »](#)

### **PIAC advocacy workshops**

The Public Interest Advocacy Centre is holding a two day workshop on planning 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 »](#)

## **National Flying-fox Forum**

Hosted by EIANZ and the Ecology Special Interest Section.

When: Wednesday 25 October, 8:00am-8:00pm

Where: Club York, Level 2, 99 York St, Sydney

[Read more »](#)

## **Nature Conservation Council Annual Conference**

Emily Ryan, our Outreach Director – Professional Programs, will be presenting a workshop at the conference on the new land clearing laws.

When: Saturday-Sunday, October 28-29

Where: Redfern Town Hall, 73 Pitt Street, Redfern

[Read more »](#)

## **Environmental Justice Conference 2017**

Sydney University has released a draft program for the Environmental Justice Conference 2017.

The conference will look at environmental justice scholarship and activism and the prospects and themes for current and future work in the field.

When: Monday 6 - Wednesday 8 November 2017

Where: Holm Building, University of Sydney

[Read more »](#)

## **The Future of Environmental Justice – a panel discussion**

Co-presented by Sydney Ideas and Sydney Environment Institute

When: Tuesday 7 November 6-7:30pm

Where: Law School Foyer, Level 2 Sydney Law School, Eastern Avenue, University of Sydney

[Read more »](#)

## **Food Justice in the City: Toward a just and sustainable food system**

How can we build fairer urban food systems in the face of growing climate challenges? Join a star-studded panel of international experts to explore this question and anticipate what Sydney's food systems might look like in the future.

When: Thursday 9 November, 6.00 - 7.30pm  
Where: University of Sydney

[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 »](#)

### **Sustaining the Seas Conference: Fish, oceanic space and the politics of caring**

Registrations are now open for the Sustaining the Seas conference, hosted by the Sustainable Fish Lab.

When: Monday 11 - Wednesday 13 December 2017  
Where: University of Sydney

[Read more »](#)

### **NELA Essay Competition**

The NELA Essay Competition is now open, seeking essays that address issues facing Australian environmental law from undergraduate and postgraduate students at Australian universities.

Essays can be submitted until 18 December 2017.

[Read more »](#)

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## **Support EDO NSW**

### **We need your help to keep defending our environment**

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 »](#)

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