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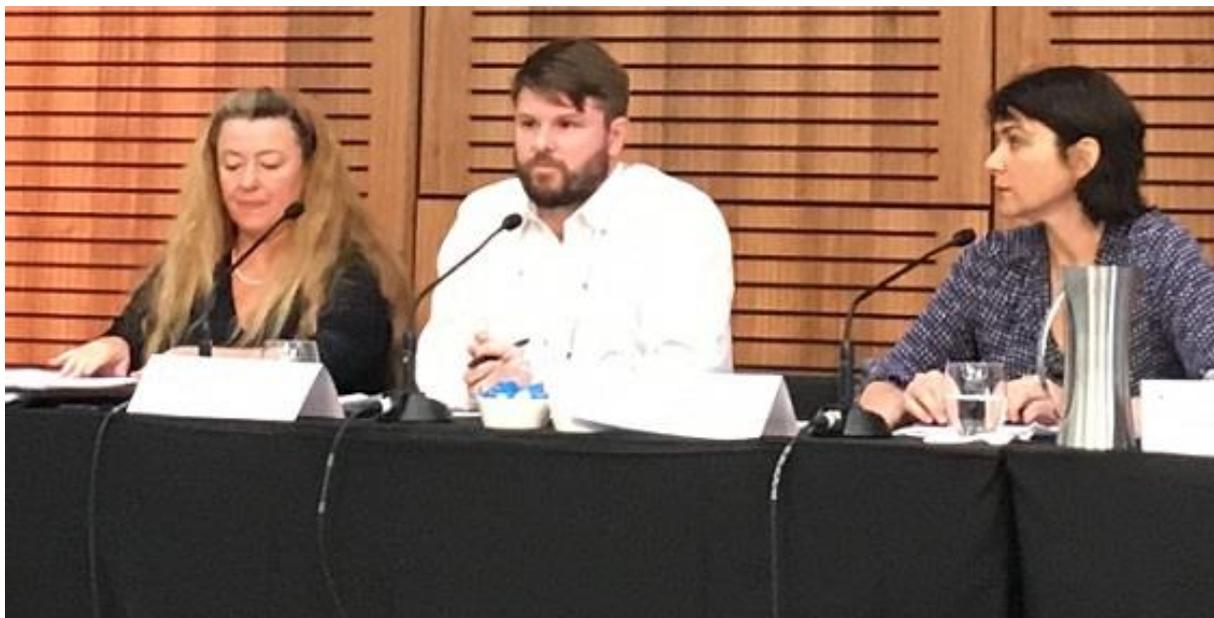
EDO NSW EBULLETIN – 13 October 2017: Number 1027

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

A message from our new CEO, David Morris



David Morris, new CEO of EDO NSW, on a panel about access to justice at the International Bar Association Conference in Sydney this week, with Pauline Wright, President of the Law Society (l), and Anna Cody of Kingsford Legal Centre (r).

After nearly freezing at the spectacular Rainbow Valley outside Alice Springs, chattering our teeth along the remarkable Oodnadatta Track, introducing my one year old to emus at Wilpena Pound and then enjoying the beauty of the Blue Mountains, my family and I arrived in Sydney last week after the long drive from

Darwin. The trip gave me a great opportunity to reflect on my four years as Principal Lawyer at EDO Northern Territory and the importance of the public interest environmental law work that EDO lawyers perform all across the country.

It was with great excitement that I arrived at EDO NSW on Monday to commence my role leading this exceptional team. I want to extend my thanks and best wishes to Sue Higginson. Sue has been a sensational leader of this organisation and an indefatigable supporter of the smaller EDO offices around the country. I'm sure we can all agree her contribution to public interest environmental law has been both rare and outstanding.

By way of introduction, I was born and bred in Melbourne and before my move to Darwin four and a half years ago to run the NT EDO, I practiced in various environmental law roles in private practice and with government in Victoria. Using the law to protect the environment was my reason for studying law from the outset, motivated by the sense of loss and disempowerment I felt witnessing damaging developments along the Victorian coast that I love so much. That's the great thing about the EDO, it simultaneously empowers people and helps protect our environment.

For more than 30 years EDO NSW has been advancing environmental law. The role I am inheriting is made far easier because of the exceptional and dedicated team here. I look forward to meeting many of you over the coming months and hope to see some of you at our AGM on 24 October 2017.



Rainbow Valley, Northern Territory – taken by David on his journey to Sydney.

NSW Government legislates to bypass court ruling

"No government should pass special laws unless there is an absolute case to do so and even then only as an absolute last resort."

That was our response to the NSW Government's announcement on Monday that it would move to weaken laws protecting Sydney's water catchment, following a court ruling that the approval of an extension of Springvale coal mine was invalid because the mine would adversely impact Sydney's drinking water.

By late Wednesday night the Bill had been rushed through both houses of Parliament. Springvale now has the consent to keep operating and important legal protections for water catchments and drinking water have been weakened.

Our client was due in Court next week for a hearing on what the mine's future should be.

[Read more about these legal developments » \[blog link\]](#)

Court of Appeal upholds our client's legal standing

In a win for public interest litigation, the NSW Court of Appeal has upheld the right of a community group to legally challenge a planning decision.

Our client RAID Moorebank is challenging the planning consent for an intermodal terminal at Moorebank due to the presence on the site of a critically endangered plant, previously thought to be extinct. The developer, Qube, asked the court to dismiss RAID's challenge, arguing that the group didn't have legal standing to bring the case because it wasn't incorporated at the time it objected to the development.

In August the Land and Environment Court found that RAID does have legal standing and on Monday this week the NSW Court of Appeal agreed.

RAID can now continue with its case in the Land and Environment Court.

[Read more about the RAID case »](#)

Court and Compliance Watch

Waste company fined for illegal dumping

The EPA has fined Needa Skip Bin Pty Ltd (Needa) for illegally dumping skip bin waste at a property in Keinbah.

In August the company transported building and demolition waste to the property and dumped it without the necessary approvals or Environment Protection Licence. Brick, concrete and masonry waste was used to fill depressions in the land and timber and asbestos waste was burned at the property.

The EPA fined Needa \$15,000 and ordered it to remove the waste that had been dumped at the site.

[Read more »](#)

Waste company fined for illegal waste transport

The EPA has fined Alcon Disposals \$15,000 for being the owner of waste that was unlawfully transported from its waste facility in Wyong.

The waste consisted of mulch contaminated with engineered timber, painted timber, plastic and metal. The waste was unlawfully transported to a rural property on Lake Rd, Elrington where some of it was spread. EPA officers inspected the property in November 2016 and found up to 19 stockpiles of contaminated mulch up to 2 metres in height. Alcon has since removed the waste from the property.

[Read more »](#)

Construction company fined for illegal waste storage

The EPA has fined Seymour Whyte Constructions Pty Ltd \$15,000 for unlawfully storing stockpiles of waste at a property in Tuggerah.

EPA officers inspected the property in June and found multiple stockpiles of waste produced from the Pacific Highway and Wyong Road intersection upgrade project at Tuggerah. The amounts of waste were sufficient to require an Environment Protection Licence which the company did not hold. There were also no sediment or erosion controls in place allowing loose waste material to contaminate the environment.

[Read more »](#)

NSW Forestry Corporation convicted of breaching threatened species licence

The NSW Environment Protection Authority brought legal action against the NSW Forestry Corporation for breaches committed in Glenbog State Forest. The Forestry Corporation pleaded guilty to breaching its threatened species licence by failing to conduct a thorough search for rocky outcrops.

The NSW Land and Environment Court ordered the Forestry Corporation to pay an \$8000 fine and pay the EPA's legal costs of around \$65,000.

[Read more »](#)

Law Reform and Policy Watch

Crown Land Management Act 2016 (NSW)

EDO NSW recently made a submission on draft Regulations to underpin the *Crown Land Management Act 2016* (NSW). Together the Act and Regulations will regulate the future management, use and potential transfer or sale of a diverse range of publicly-owned land in NSW.

Part A of the submission makes high-level comments on:

- what is and is not addressed in the draft Regulation
- how key concepts could be applied and strengthened (such as community engagement strategies and Crown land rules and principles) and
- how the reform package fits together and interacts with other in-progress reforms.

-

Part B comments on the details of the draft Regulation, including:

- the use, management and transfer of ownership (vesting) of Crown lands, and
- improvements to governance, transparency and environmental protection.

[Read the submission »](#)

Recent EDO submissions and reports

- [Draft Crown Land Regulation 2017](#) – EDO NSW submission
- [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

- *No new relevant notices have been Gazetted since the last eBulletin.*

Local Environmental Plan tracking

- [Canterbury-Bankstown](#) – The proposal applies to the site at 479 Henry Lawson Drive in Milperra Lot 2, DP 576251 and seeks to allow ‘garden centres’ as an additional permitted use on the site.
- [Canterbury-Bankstown](#) – This planning proposal applies to the former City of Bankstown. The intended outcome is to implement certain housekeeping amendments following a periodic review of Bankstown Local Environmental Plan 2015.
- [Blue Mountains](#) – The proposal seeks to rezone land at 54 Luchetti Avenue, Hazelbrook from E2 Environmental Conservation to E4 Environmental Living (20 dwellings).
- [Wollondilly](#) – The planning proposal for 2471 Silverdale Road seeks to rezone land that is no longer required to provide a role in the management of Water NSW's infrastructure, amending the land zone and minimum lots size to be consistent with surrounding land uses.
- [Parramatta](#) – Amending the Parramatta Local Environmental Plan 2011 to modify the maximum building height and floor space ratio controls that apply to land at 2 O’Connell Street, Parramatta in order to develop a high density property at this site.

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

- **Draft Crown Land Regulation 2017**

The NSW Department of Industry is seeking comment on the Draft Crown Land Regulation 2017 which includes proposed regulations for the protection and management of Crown land in NSW.

The exhibition period has been extended until midnight **Sunday 15 October 2017**. All submissions will be considered in the finalisation of the regulation.

[Read the EDO NSW submission.](#)

[Read more and have your say »](#)

- **Pilliga State Conservation Area Review**

The Office of Environment and Heritage is seeking feedback on the Pilliga State Conservation Area Review for the reintroduction of Locally Extinct Mammals.

This project is occurring on three conservation reserves in NSW, including Pilliga State Conservation Area. At Pilliga, the Australian Wildlife Conservancy (AWC) have been contracted to reintroduce seven mammals currently extinct in NSW. The AWC plans to build a fenced enclosure and remove introduced species, particularly foxes and feral cats, from within the enclosure. Submissions invited until 28 October 2017.

[Read more and have your say »](#)

- **New draft Aboriginal cultural heritage laws**

The Office of Environment & Heritage is changing the way Aboriginal cultural heritage is conserved and managed in NSW and is seeking feedback on the proposed new system.

This involves changing the law for conserving and managing Aboriginal cultural heritage and includes the draft Aboriginal cultural heritage legislation.

Submissions are invited until 18 December 2017. See community news below for public information workshop dates.

[Read more and have your say »](#)

- **Draft Technical Notes supporting the Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals**

The Department of Planning and Environment seeks feedback on the content of nine technical notes. They cover a range of environmental, heritage, social and transport-

related issues to be considered when developing State significant development (SSD) mining and coal seam gas proposals.

Submissions are invited until 23 October 2017.

[Read more and have your say »](#)

FEDERAL

- **Regional Land Partnerships**

The Australian Government wants to ensure that stakeholders are well informed and have an opportunity to contribute views on the proposed arrangements with the Regional Land Partnerships, including phase 2 of the National Landcare Program. The Partnerships will invest \$450 million over five years to deliver national priorities at a regional and local level.

Submissions are invited until 23 October 2017.

[Read more and have your say »](#)

- **Commonwealth Environmental Water Holder - Development of a framework for investing in environmental activities**

Recent changes to s106 of the Water Act (2007) have given the Commonwealth Environmental Water Holder (CEWH) more flexibility to sell water allocations if the proceeds are used for water acquisitions or environmental activities. These activities are limited to the geographic region of the Murray-Darling Basin and must improve, protect and restore environmental assets in this region. The CEWH has released a discussion paper in order to determine what the community would like to be considered when developing a framework for future investments.

Submissions are invited until 30 November 2017.

[Read more and have your say »](#)

- **Environment and Energy Sustainable Development Goals**

The Department of the Environment and Energy is seeking case studies of up to 500 words that showcase work that gives effect to the environment and energy Goals and their Targets. A compendium will be published annually enabling stakeholders across Australia to showcase their contribution to the environment and energy SDGs.

Submissions are invited until 31 December 2017

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

- [Northern Territory](#) - *Notonmys aquilo* (northern hopping-mouse) is being assessed for an uplisting on the EPBC Act threatened species list and the necessary conservation actions. Comments are open until 22 November 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

- *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

- [Maules Creek Coal Mine](#) – Proposal to develop various associated infrastructure. Submissions invited until [today] 13 October.
- [Sydney International Regatta Centre](#) – Modification to construct maintenance shed and associated compound at the Sydney International Regatta Centre to replace an informal maintenance area. Submissions invited until 20 October 2017.
- [Emirates Hotels, Wolgan Valley](#) – Proposal to modify the location and allow construction of a new helicopter pad, modify the number of allowed helicopter flights per week and during major event periods and allow for up to 6 bee hives to be kept on site. Submissions invited until 24 October 2017.
- [Emirates Hotels, Wolgan Valley](#) – Proposal to modify the map to show the location of the new helicopter landing pad should the project approval be granted. Submissions invited until 24 October 2017.
- Four Points Hotel Bar/Lounge – Proposal to enable trading 24 hours a day, seven days a week after 12 months of operation (being 21 December 2017). Submissions invited until 24 October 2017.
- [Oran Park, Camden](#) – Proposal to have the SEPP (Sydney Regional Growth Centre) 2006 amended in order to rezone the Maryland Precinct to enable urban development. Submissions invited until 8 November 2017.
- [Spring Farm Planning Agreement, Camden](#) – The Planning Agreement provides that the developer will make a monetary contribution for the purpose

of designated State public infrastructure. Submissions invited until 8 November 2017.

- [Wilton South East](#) – Proposal to develop various infrastructure projects at 990 Picton Rd, Wilton, including roadworks, public transport and social infrastructure. Submission invited until 8 November 2017.
- [White Bay](#) – Proposal to increase the capacity, operating hours, number of pontoons and car spaces at the marine refuelling and supply facility in White Bay. Submission invited until 9 November 2017.
- [University of Sydney, Camperdown](#) – Proposal for the construction of a new building to accommodate the University's relocated Faculty of Health Sciences, the Faculty of Nursing and Midwifery and the Central Clinical School. Submissions invited until 10 November 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

- [Molonglo, ACT](#) – Proposal to construct a new water supply pipeline from Weetangera Reservoir to service the Molonglo 3 Urban Development Area. Submissions are invited until 24 October 2017.
- [Rosebery, TAS](#) – Proposal for a new tailings retreatment plant at Renison to support the Renison tin mine. Submissions are invited until 24 October 2017.
- [Donnybrook and Bridgetown, WA](#) – Proposal by the Water Corporation to construct new infrastructure to improve the supply of water to the towns of Balingup, Mullalyup and Kirup. Submissions are invited until 20 October 2017.
- [Surfers Paradise, QLD](#) – Proposal to develop a north branch surf club including surf club facilities, museum, restaurant/bars, miscellaneous associated uses. Submissions are invited until 19 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](#).

Community News

Stuck in traffic? Road congestion in Sydney

The State Library of NSW and the Grattan Institute present an expert panel to consider approaches to Sydney's road congestion.

When: Wednesday 17 October 6:00-7:15pm

Where: State Library of New South Wales, Metcalfe Auditorium – Macquarie Street, Sydney

[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.

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

Where: PIAC training room, Level 5, 175 Liverpool St, Sydney

[Read more »](#)

Aussie Backyard Bird Count

No matter where your backyard is, count the birds in it for BirdLife Australia.

When: Monday 23 - Sunday 29 October 2017

Where: Your backyard (balcony, park...)

[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

Sue Higginson, our CEO, will make the keynote address on how the law needs to change to better protect nature.

Emily Ryan, our Outreach Director – Professional Programs, will present 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 »](#)

CPDUI – Continuing Professional Development Under the Influence

An evening of mandatory legal edu-tainment with *The Chaser's* Julian Morrow.

When: Monday 30 October 5:30pm

Where: Giant Dwarf theatre, 199 Cleveland St, Redfern 2016

[Read more »](#)

Public information sessions on proposed new system for managing and conserving Aboriginal cultural heritage

Find out about the proposed new system for managing and conserving Aboriginal cultural heritage and provide feedback on the draft legislation by taking part in public information sessions, workshops and webinars.

When: October, November, December 2017

Where: Throughout the state.

[Read more »](#)

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 »](#)

International Rights of Nature Tribunal

To be held during the 23rd United Nations Convention on Climate Change Conference of Parties (COP23) in Bonn, Germany.

When: Tuesday-Wednesday November 7-8

Where: LVR-LandesMuseum Bonn, Germany

[Read more »](#)

Exploring the Legal Status of Nature

Presenters include Chief Judge, The Hon. Justice Brian Preston SC, NSW Land and Environment Court; Dr Michelle Maloney, AELA; Dr Virginia Marshall, indigenous lawyer and author of 'Aqua Nullius'.

When: Thursday 9 November 1:00pm

Where: Level 3, Room 004, UTS Business School , 14-28 Ultimo Road, Ultimo 2007

[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 »](#)

What does the future hold for western Sydney bushland?

The NSW Department of Planning will spend the next 12 months developing a *Strategic Sustainability Plan* for 7 Western Sydney Local Government Areas, which will identify upfront which areas of bushland will be conserved and which will be developed.

This Total Environment Centre forum will consider this plan.

When: Thursday November 16

Where: Western Sydney Leagues Club, 10 Old Leumeah Rd, Leumeah 2560

[Read more »](#)

Wild Law: The Theory and Practice of Earth Jurisprudence

A Summer School at Griffith University Law School.

When: Monday 27 November-Friday 1 December 2017

Where: Griffith University Nathan Campus, Brisbane

[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 »](#)

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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