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EDO NSW EBULLETIN – 20 October 2017: Number 1028

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

Our new CEO David Morris



David Morris (credit ACF).

Our new CEO David is settling into Sydney and the role. David has joined EDO NSW after four years practicing public interest environmental law in the Northern Territory as Principal Lawyer and Executive Officer of EDONT.

[Read more »](#)

4Nature's legal challenge discontinued following new legislation

Our client 4Nature's legal challenge to Springvale Mine's 2015 approval has been discontinued in the Land and Environment Court.

New legislation approving Springvale's extended operation until 2028 in the *Environmental Planning and Assessment Act* was assented on Friday, October

20. EDO NSW, on behalf of 4Nature, discontinued the case against Centennial in a directions hearing also held on that day.

The other parties agreed to pay 4Nature's costs. The hearing scheduled for October 16 and 17 did not take place, thus denying the public the opportunity to hear extensive expert evidence on the future of the mine.

[Read more about these legal developments on our blog »](#)

NSW Justice Awards 2017



Dharriwaa Aboriginal Elders Group, Aboriginal Legal Service Moree and Gilbert & Tobin Pro Bono receive the award.

The NSW Justice Awards were announced last night at Parliament House. We are delighted that Dharriwaa Aboriginal Elders Group were winners of the Pro Bono Partnership Award in partnership with the Aboriginal Legal Service at Moree and Gilbert & Tobin Pro Bono.

Court and Compliance Watch

Muswellbrook Supreme Court action over \$5m fund settled

A Hong Kong-based mining company has headed off Supreme Court action over a secret \$5 million community fund by settling a case launched by Muswellbrook Shire Council on behalf of the community.

Ridgelands Coal Resources failed to establish the fund for nearly five years, despite it being a condition of consent for a Wybong coal mine exploration licence.

Government departments failed to disclose the condition or enforce it. This was despite a deed of agreement with the then Resources Minister Chris Hartcher requiring the company to establish the fund “as soon as reasonably practical” after the exploration licence was granted over more than 7600ha of Wybong land in February 2013 and “publicise to the local community the existence of the community fund and guidelines for applying for grants”.

The council was unaware of the fund until Ridgeland's representatives made an unsolicited offer of \$500,000 to the council on July 26, before the five-year exploration lease deadline expires in February. In a statement of claim to the Supreme Court Muswellbrook Council alleged Ridgeland's representatives said the company “only needed to contribute \$500,000” to the fund.

[Read more »](#)

Land and Environment Court news - Tree dispute principle

In *Fang v Li & anor* [2017] NSWLEC 1503, Acting Commissioner Galwey set out a tree dispute principle (at [58]) designed to provide guidance to parties where applications made pursuant to Part 2 of the *Trees (Disputes Between Neighbours) Act 2006* include claims for rectification of, or compensation for, structural damage to property caused by roots of a tree located on adjoining land (being land to which s 4(1) of the Trees Act applies and where the tree is one to which s 4(3) and (4) of the Trees Act applies).

[Read more »](#)

Woman found with threatened wildlife specimens

A NSW woman pleaded guilty and was given a two year good behaviour bond for breaking Australian environmental law, after being caught with wildlife specimens of several internationally threatened species.

The Department of the Environment and Energy's Office of Compliance conducted a search of the woman's home in December 2015, seizing exotic specimens which are listed as threatened with extinction or likely to become threatened under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

[Read more »](#)

EPA fines Hydromet for water pollution and poor waste storage

The NSW Environment Protection Authority (EPA) has fined Hydromet Corporation \$30,000 for inadequate storage of waste materials and polluting waters at their Tomago facility.

Hydromet holds an environment protection licence to treat hazardous waste at this facility.

[Read more »](#)

Law Reform and Policy Watch

The Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Act 2017 No47 was assented and became law.

[Read the Act »](#)

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

- [Coal-Fired Funding Prohibition Bill 2017](#)

This private member's bill seeks to prohibit the Commonwealth or an authority of the Commonwealth from providing financial or other support to the refurbishment or building of a coal-fired power station, as well as prohibiting the purchase or assisting in the purchase or transfer of ownership of a coal-fired power station.

[Read the Bill »](#)

- Renewable Energy Legislation Amendment (Supporting Renewable Communities) Bill 2017

Private member's bill introduced to support renewable energy uptake within a community, solely for the benefit of the community.

[Read the Bill »](#)

NSW Parliament

- Fisheries Management Amendment (Aboriginal Fishing) Bill 2017

This Government Bill amends the Fisheries Management Act 1994 and enables payments to be made out of the Aboriginal Fishing Trust Fund to provide assistance to Aboriginal communities in relation to cultural and commercial fishing activities.

[Read the Bill »](#)

- Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2017 (No 2)

This Private member's bill seeks to prohibit retailers from supplying certain types of plastic shopping bags to their customers.

[Read the Bill »](#)

Gazette notices

- *Notice of decision to vary approvals granted under the Fuel Quality Standards Act 2000 – International Motorsport Solutions Pty Ltd.*

Approvals were granted to International Motorsport Solutions Pty Ltd to vary the Fuel Standard (Petrol) Determination 2001 to permit the supply of specialist unleaded and leaded racing fuel.

[Read the Notice »](#)

Local Environmental Plan tracking

- [Ku-ring-gai](#) – Proposal to rezone Deferred Area 15 under the Ku-ring-gai Local Environmental Plan 2015 at the Killara Golf Club to part R2 Low Density Residential and part R4 High Density Residential.
- [Blue Mountains](#) – The proposal seeks to update information and correct errors relating to heritage items, across the Blue Mountains Local Government 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 by [checking out the site](#) and [completing a short three-question survey](#).

Consultations

- **Crawney Pass National Park Draft Plan**

National Parks and Wildlife Service is seeking public comments on this Draft Plan, allowing the community to have a say in future management directions for this national park.

Submissions invited until Monday 20 November 2017.

[Read more and have your say »](#)

- **Draft plan of management for Coolbaggie Nature Reserve**

National Parks and Wildlife Service is seeking public comments on the draft plan of management for this national park.

Submissions invited until Monday 27 November 2017.

[Read more and have your say »](#)

- **Commercial use of protected plants**

The Office of Environment and Heritage invites feedback on the draft management plans for the commercial use of protected plants. The plan sets out the licensing requirements under the NSW Biodiversity Conservation Act 2016 for the growing and harvesting of protected whole plants and cut flowers for commercial use.

Submissions invited until Thursday 9 November 2017.

[Read more and have your say »](#)

- **Coffs Coast Regional Park**

National Parks and Wildlife Service is seeking public comments on the draft plan of management for this national park.

Submissions invited until Monday 12 February 2017.

[Read more and have your say »](#)

- **Proposal to revitalise the Telopea precinct**

The Department of Planning and Environment invites public comment on the proposal to revitalise the Telopea precinct in northwest Sydney, taking advantage of the planned Parramatta Light Rail stop with new homes and housing choice, improved public spaces, community facilities and retail opportunities.

Submissions invited until Friday 24 November 2017.

[Read more and have your say »](#)

- **Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals**

The Department of Planning and Environment invites public comment on the nine technical notes supporting the Guidelines. The notes cover a range of environmental, heritage, social and transport related issues that should be considered for State significant development (SSD) mining and coal seam gas proposals.

Submissions invited until Monday 23 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 »](#)

FEDERAL

- **Regulating Emissions Standards for Non-Road Spark Ignition Engines and Equipment (NRSIEE).**

The Department of Environment and Energy invites the public to comment on the draft Cost Recovery Implementation Statement for NRSIEE. The Statement sets out how proposed cost recovery charges (fees and levies) will be implemented for regulating emissions standards for NRSIEE.

Submissions invited until Monday 6 November 2017.

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

- *No new listings have been placed on exhibition since the last eBulletin.*

For a full listing of threatened species and endangered ecological community listings currently open for public comment, visit the [NSW Office of Environment and Heritage website](#) and the [Australian Department of the Environment website](#).

Fisheries assessments

- *No new listings 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

- [Loreto School Redevelopment, North Sydney](#) – Proposal for the redevelopment of the school campus in the south and east precincts, with detailed approval sought for works in the western precinct as well as the vertical connectors and landscaping across the campus. Submissions invited until Friday 17 November 2017.
- [Rouse Hill Anglican College Redevelopment, Blacktown](#) – Proposal to construct a new Junior School and redevelop the existing Senior School, including additional on-site parking, central learning area, library and multi-purpose hall. Submissions invited until Thursday 11 November 2017.
- [1 Lawson Square Redfern, Sydney](#) – Development application seeking to modify current application. The application is seeking to make minor modifications to the overall unit mix and total dwelling number as well as a stratum subdivision. Submissions invited until Monday 30 October 2017.
- [530 Raymond Terrace Rd, Wollondilly](#) – Development application seeking to subdivide into approximately 9 residential lots in the Initial Development and proposes to make further development applications detailing additional subdivisions on the subject land. Submissions invited until Friday 10 November 2017.

- [Eastern Creek Business Hub, Blacktown](#) – Development application for Stage 1 of the Eastern Creek Business Hub. Submissions invited until Monday 13 November 2017.
- [Hamlyn Terrace, Central Coast](#) – Proposal to seek a subdivision at 580 Pacific Highway, Hamlyn Terrace into approximately 96 residential lots and 1 residual lot. Submissions invited until Thursday 9 November 2017.
- [Rooty Hill Precinct, Blacktown](#) – Proposal for modification to State significant development of the Eastern Creek Business Hub. Seeks to increase the approved maximum gross floor area (GFA) at Lot 2 to accommodate revised shopping centre. Submissions invited until Monday 13 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

- [Longford, TAS](#) – Proposal by North Midlands Council to construct a new bridge over the Macquarie River, and a realignment of the approach on Woolmers Lane. Submissions are invited until Tuesday 31 October 2017.
- [Ballark to Elaine, VIC](#) – Proposal for the construction of a 29km long overhead transmission line between Moorabool Wind Farm at Ballark and the existing substation at Elaine. Submissions are invited until Friday 27 October 2017.
- [Parkenham East, VIC](#) – Proposal by Cardinia Shire Council to rezone land to allow for future residential development as part of the Parkenham East Precinct Structure Plan (PSP). Submissions are invited until Friday 27 October 2017.
- [Cherry Creek, VIC](#) – Proposal for the construction of a new fit-for-purpose youth justice facility. Submissions are invited until Thursday 26 October 2017.
- [Anglesea, VIC](#) – Proposal to extend operations of the coal mine at Anglesea and remove associated vegetation located to the north and west of the existing mine. Submissions are invited until Thursday 26 October 2017.
- [Kurnell, NSW](#) – Proposal to demolish existing structures and construct and operate a warehouse, offices and take-away food venue. Submissions are invited until Thursday 26 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

Solicitor – EDO Queensland 6 month contract

EDOQ is looking for a qualified solicitor to join the team at their Brisbane office. This is a six month full time position. However, applicants seeking part time work or shorter contracts will also be considered.

[Read more »](#)

‘Pumped’ – 4 Corners nominated for Walkley

The Four Corners program on water harvesting in the Murray-Darling has been nominated for an Investigative Journalism award in the Walkleys.

[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 former 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 »](#)

Beyond Plastic Pollution conference

For the first time in the Asia-Pacific region, the finest thinkers, change makers and innovators will assess the research, the prognosis and the solutions to marine plastic pollution.

When: Monday 30 – Tuesday 31 October 5:30pm

Where: Dockside, Cockle Bay, Darling Harbour, Sydney

[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 »](#)

Launch of the Women's Energy and Climate Law Network

The Women's Energy and Climate Law Network (WECLN) is a new network of female academics and practitioners working in the field of climate and energy law. The WECLN launch event will combine discussion panels with eminent energy and climate law scholars, small group sessions, mentoring sessions on careers in climate and energy law and an opportunity to input into future directions for the network.

When: Friday 8 December 2017 9:30am – 4:30pm followed by dinner

Where: Melbourne University Law School, Carlton, Melbourne

[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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