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### EDO NSW EBULLETIN – 27 October 2017: Number 1029

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

#### Farewell to our outgoing CEO, Sue Higginson

After 12 years at EDO NSW, the last two as CEO, Sue Higginson is moving on. Sue has been working on handing over her responsibilities to our new CEO David Morris for the past three weeks and gave a farewell address to the EDO NSW AGM on Tuesday.

We asked Sue about the highlights – and low points – of her time at the EDO and how she stays hopeful.

[Read Sue's answers in her Q+A blog post >>](#)



*David Morris, our Hunter Valley client and Goldman Environmental Prize winner Wendy Bowman and Sue Higginson.*

## Environmental Defence Fund appeal

For years, the team at EDO NSW has focused on water conservation across Australia and the Murray-Darling Basin in particular by providing independent analysis of laws and regulations, legal education to local communities and pursuing litigation in the public interest.

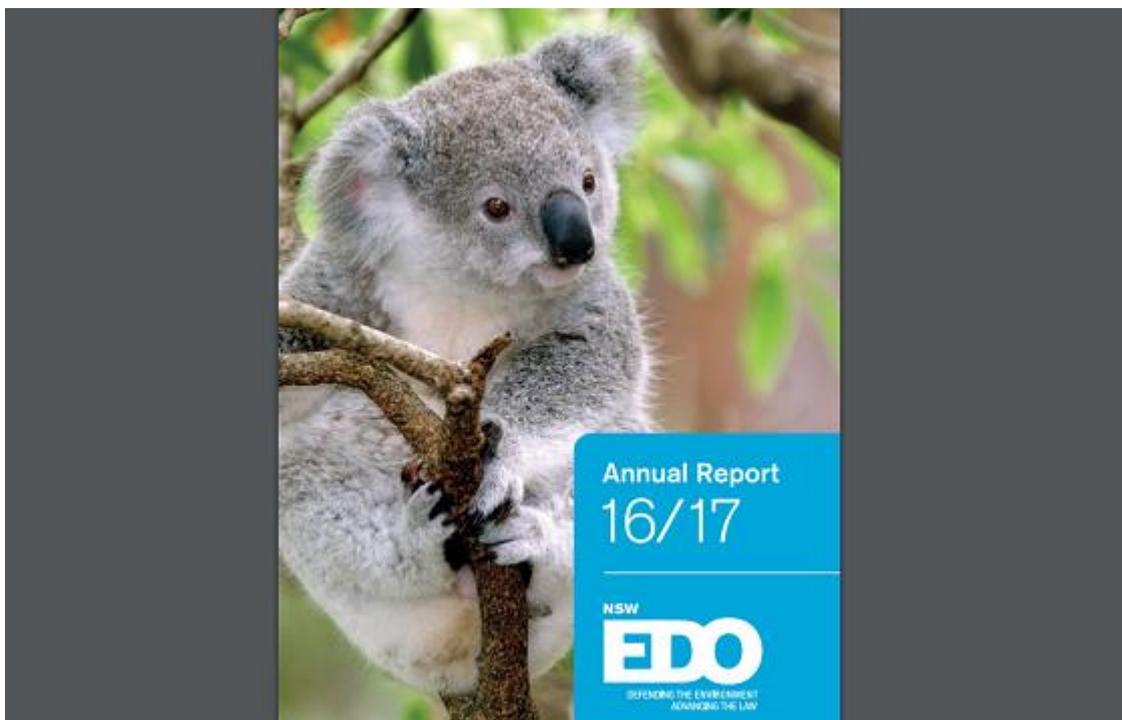
As the trusted experts in public interest environmental law, our advice is sought by concerned community members, rural land-holders, scientists, policy-makers and journalists.

When responsible government agencies fail to take action to protect the environment, EDO NSW empowers affected communities. Civil enforcement cases provide the community with an opportunity to seek environmental justice under the law.

We need your help to ensure that the law is applied in order to protect our most precious natural resources.

[Please make a tax-deductible donation to our Environmental Defence Fund today >>](#)

## 2016/17 Annual Report



We have just published our 2016/17 Annual Report. From provision of frontline legal services to community and professional legal outreach and ensuring that environmental laws are fit for purpose, EDO NSW continues to brilliantly fulfil its mission to defend the environment and advance the law – despite living under constant threat of funding cuts.

[Download the Report here >>](#)

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## **Court and Compliance Watch**

### **Record fines for illegal land clearing**

The NSW Land and Environment Court has convicted and fined Grant and Cory Turnbull, relatives of the man who murdered NSW Environment Officer Glen Turner, for illegally clearing native vegetation at their properties in northern NSW.

The Turnbulls each pleaded guilty to unlawfully clearing native vegetation. The Court found that they had cleared respectively over 100 hectares and over 300 hectares of native vegetation, including vegetation of high conservation value and habitat for threatened native fauna, including koalas. This resulted in substantial environmental harm.

The Court found Grant Turnbull guilty, imposed a fine of \$315,000 and ordered him to pay the prosecutor's legal costs.

The Court found Cory Turnbull guilty, imposed a fine of \$393,750 and ordered him to pay the prosecutor's legal costs.

[Read the judgment for Grant Turnbull »](#)

[Read the judgment for Cory Turnbull »](#)

### **Council and contracting company fined for leachate leak**

The NSW Environment Protection Authority (EPA) has fined Lake Macquarie City Council (LMCC) and Daracon Contractors Pty Ltd (Daracon) for a leachate leak at a waste disposal facility in Awaba.

LMCC contracted Daracon to construct two new landfill cells at the facility. On 8 May 2017 an excavator driven by a sub-contractor struck a pipe carrying leachate resulting in a leak. The leak was not identified until the next day. An estimated 930,000 litres of leachate discharged into the local environment. LMCC and Daracon were aware of the pipe's existence but failed to notify the excavator operator.

LMCC and Daracon were each fined \$15,000 as a result of this incident.

[Read more »](#)

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## **Law Reform and Policy Watch**

### **Draft technical notes supporting guidelines for the economic assessment of mining and coal seam gas proposals**

EDO NSW's submission builds on our previous comments on the draft [Economic Assessment Guidelines for Mining and Coal Seam Gas Projects](#). We raise a number

of concerns regarding guidance on costing biodiversity, noise and greenhouse gas emissions. The proposed Technical Notes are too vague, discretionary and unenforceable; and as drafted are unlikely to improve transparency or consistency of cost benefit analysis for NSW mining and coal seam gas projects – in relation to either public interest considerations or environmental impacts.

[Read more >>](#)

### **Inquiry into the Integrity of the Water Market in the Murray-Darling Basin**

EDOs of Australia's submission to the Inquiry into the integrity of the water market in the Murray-Darling Basin focuses on seven core areas, including threats to environmental water, compliance and enforcement, access to information and governance arrangements. We believe that law reform – as per the recommendations contained in our submission – is urgently required across these areas to protect the Murray-Darling Basin.

[Read more >>](#)

### **Recent EDO submissions and reports**

- [Inquiry into the Integrity of the Water Market in the Murray-Darling Basin – EDOs of Australia submission](#)
- [Draft Technical Notes supporting Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals – EDO NSW submission](#)
- [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

- Local Government Legislation Amendment (Stormwater Drain Filters) Bill 2017

This Private Member's Bill seeks to amend the Local Government (General) Regulation 2005 to provide that local councils must install filters over certain stormwater drain inlets.

[Read more and have your say >>](#)

## Gazette notices

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

## Local Environmental Plan tracking

- **Narrabri** – This Planning proposal aims to amend the Narrabri LEP 2012 to clarify that clause 4.2B which relates to the erection of dwelling houses on land in certain rural and environmental protection zones also applies to dual occupancies.
- **Fairfield** – This housekeeping planning proposal has been approved to amend various provisions of Fairfield Local Environmental Plan 2013.

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.

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## 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

- **Model Code of Conduct for Councils in NSW and Procedures**

The Office of Local Government is consulting with councils and other stakeholders on changes to the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

Submissions are invited until Monday 4 December 2017.

[Read more and have your say >>](#)

- **Revised Draft Greater Sydney strategic plan**

The Greater Sydney Commission's draft Greater Sydney Region Plan puts forward a concept for a metropolis of three cities across Greater Sydney.

Submissions are invited until Friday 15 December 2017.

[Read more and have your say >>](#)

- **Future Transport 2056 Strategy**

The Future Transport 2056 Draft Strategy is made up of three draft documents – the draft Future Transport Strategy, Greater Sydney Services and Infrastructure Plan and the Regional NSW Services and Infrastructure Plan.

Submissions are invited until Sunday 3 December 2017.

[Read more and have your say >>](#)

- **Community Engagement for Crown Land**

The Department of Industry is seeking community feedback on the draft Community Engagement Strategy for Crown Land.

Submissions are invited until Sunday 26 November 2017.

[Read more and have your say >>](#)

- **Draft Reconciliation Action Plan**

Local Land Services is inviting community input in relation to its development of the Reconciliation Action Plan which is committed to fostering meaningful partnerships and relationships with Aboriginal communities across NSW.

Submissions are invited until Friday 8 December 2017.

[Read more and have your say>>](#)

- **Aboriginal Cultural Heritage Legislation**

The Office of Environment and Heritage is seeking community input on a proposed new system for managing and conserving Aboriginal cultural heritage. This involves changing the law for conserving and managing Aboriginal cultural heritage and includes the draft Aboriginal cultural heritage legislation.

The exhibition period has been extended until early March 2018. The Bill is not yet out but there are OEH workshops planned throughout the state late this year (see Community News below).

Submissions are invited until Friday 2 March 2018.

[Read more and have your say >>](#)

## FEDERAL

- **Proposal to Conduct Offshore Wind Farm Exploration Activities**

The Australian Government is considering a request from Offshore Energy Pty Ltd (OEPL) for permission to conduct a feasibility study for an offshore wind farm. The Department of Environment and Energy is inviting community input in relation to the proposed exploration area.

Submissions are invited until Tuesday 14 November 2017.

[Read more and have your say >>](#)

- **Framework for Investing in Environmental Activities**

The Commonwealth Environmental Water Holder (CEWH) is seeking feedback on what type of environmental activities the community would like to be considered when developing a framework for future investments to sell water allocations.

Submissions are invited until Thursday 30 November 2017.

[Read more and have your say >>](#)

- **Regulation Impact Statement for a National Phaseout of PFOS**

The Department of Environment and Energy is seeking community input with respect to its Regulation Impact Statement (RIS) on options for a national phase-out of perfluorooctane sulfonic acid (PFOS) and related chemicals.

Submissions are invited until Monday 18 December 2017.

[Read more and have your say >>](#)

- **Environment and Energy Sustainable Development Goals**

The Department of the Environment and Energy is seeking case studies which showcase work that gives effect to the environment and energy Sustainable Development Goals and their Targets.

Submissions are invited until Sunday 31 December 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 the Environment and Energy is seeking public comments on the NSW Ocean Hauling Fishery, NSW Lobster Fishery and NSW Abalone Fishery.

Submissions are invited until Friday 24 November 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](#).

### **Plans of Management: Invitation to comment**

- **Coffs Coast Regional Park Draft Plan of Management**

The Department of Environment and Heritage is inviting community input in relation to the Coffs Coast Regional Park Draft Plan of Management. Coffs Coast Regional Park stretches along the coast north of Coffs Harbour and is within the traditional Country of the Gumbaynggirr people. The Aboriginal cultural and heritage values of the park are highly significant and the park supports a range of coastal vegetation types and habitats for endangered species.

Submissions are invited until Monday 12 February 2018.

[Read more and have your say >>](#)

- **Terry Hie Hie Aboriginal Area**

The Draft Plan of Management for the Terry Hie Hie Aboriginal Area invites community input in relation its management of the natural environments, Aboriginal heritage, history and recreational opportunities in the park.

Submissions are invited until Monday 22 January 2018.

[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](#).

### **Major Project proposals: Invitation to comment**

- [Wentworth](#) – Proposal to extend the currently approved Ginkgo Mineral Sands mine path 40km west of Pooncarie in western NSW. Submissions are invited until Saturday, 4 November 2017.
- [Perisher Valley](#) – Proposal to remove boulder on south-west corner of Lampada Ski Lodge and modify building envelop. Submissions are invited until Monday, 6 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**

- [Townsville, QLD](#) – Proposal to develop Sanctum West, a master-planned residential community. Submissions are invited until 7 November 2017
- [Sunshine Coast, QLD](#) – Proposal to upgrade the Six Mile Creek Dam to meet modern safety standards and the performance requirements of the Queensland dam safety regulations. Submissions are invited until 7 November 2017
- [Bowen Basin, QLD](#) – Proposal for mining operations by Walton Coal Project. Submissions are invited until 7 November 2017.
- Koonwarra, VIC – Proposal to realign South Gippsland Highway south of the township of Koonwarra in South Gippsland and replace 3.4 km at a location known locally as Black Spur. Submissions are invited until 6 November 2017.
- [Canberra, ACT](#) – Proposed action is the urban development of the Canberra Brickworks Precinct (CBP) at Yarralumla in central Canberra. This involves a maximum of 380 dwellings. Submissions are invited until 6 November 2017.
- [Port of Brisbane, QLD](#) – Proposed action involves dredging from the Brisbane River adjacent to the Port of Brisbane to create a second swing basin for vessels utilising the port. Submissions are invited until 6 November 2017.

- [Woodside, SA](#) – Proposal by Terramin Exploration Ltd to recommence mining of the Bird-in-Hand (BIH) gold deposit. The proposed operational site is a former farm comprising of introduced cattle pasture, planted agroforestry trees and scattered paddock Eucalypt trees. Submissions are invited until 6 November 2017.
- [Roma, QLD](#) – Proposal consists of an HDPE (Eurombah Reedy Creek InterConnect (ERIC)), approximately 36.5 km in length. This project will consist of a large bore gathering trunkline travelling from the north-west of Combabula/Reedy Creek development area to the Eurombah Creek gas processing facility within the Spring Gully development area. Submissions are invited until 6 November 2017.
- [Mariginiup, WA](#)– Proposal by Harcourts to develop 118 Coogee Road Mariginiup for residential land use. The development will require rezoning of the proposed action area to ‘Urban Deferred’ under the Metropolitan Region Scheme. Submissions are invited until 3 November 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](#).

## **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**

### **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 »](#)

### **Climate Change and Australian Groundwater: Current State of Knowledge and Future Responses**

This talk by Dr Glen Walker will provide an overview of the results from recent projects around Australia with learnings about recharge and discharge processes and recommendations made with respect to knowledge gaps and approaches to addressing climate change.

When: Tuesday 31 October 5.30pm for 6pm start

Where: WSP office. Level 27, 680 George Street, Sydney

[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 »](#)

### **Wallarah 2 Coal Project Public Meeting**

When: Friday 3 November 9am

Where: Wyong Golf Club, 319 Pacific Highway Wyong 2259

[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 »](#)

## **Equitable Briefing**

The Law Society of New South Wales and the NSW Bar Association invite solicitors and women barristers who work in Environmental and Planning and Public and Administrative law to attend a special networking event.

The event seeks to promote and assist the implementation of the National Model Gender Equitable Briefing Policy. This networking opportunity is aimed at connecting solicitors with women barristers in particular practice areas.

When: Wednesday 8 November 6:00 - 7:30pm

Where: Basement Level, the Bar Association, 174 Phillip Street, Sydney

[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 »](#)

### **Tarkine in Motion – Sydney film screening**

In April 2015, over 70 photographers, filmmakers, musicians and artists journeyed into Tasmania's Tarkine to document and interpret its wild beauty. From that weekend comes this 55-minute documentary portrait of this threatened wilderness and the creative minds working to save it.

When: Friday 10 November, 5:30 - 8:00pm

Where: Govindas, 112 Darlinghurst Rd, Darlinghurst 2010

[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 16 November 2017

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

[Read more »](#)

### **A Spring Day in the Gardens of Stone**

A picnic to raise awareness of the Gardens of Stone reserve proposal.

When: Sunday 26 November 2017 11:00am - 2:30pm

Where: Top of the hill, State Mine Gully Rd, Newnes State Forest via Lithgow

[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 »](#)

## **Caring Better for the Seas – Sydney Ideas**

This panel of academics and NGOs will take us into diverse practices and politics of caring – from caring for Aboriginal and Torres Strait Sea countries, campaigns on fish and fishing, to how surfers navigate the necessity of caring for the ocean with a desire to preserve secret surf spots.

When: Monday 11 December 2017 5 – 6:30pm

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

[Read more >>](#)

## **‘Pigs on the River’ by John Williamson**

A song arising from the *Four Corners* Murray-Darling report.

[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 »](#)

[Make your donation online here »](#)

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