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EDO NSW EBULLETIN – 2 February 2018: Number 1041

A free weekly bulletin that includes news, events, notices and opportunities for public comment. These are also listed on our website in [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

Tree disputes



We have a new Fact Sheet which explains how the *Trees (Disputes Between Neighbours) Act 2006* applies to tree disputes.

The Act applies to trees and hedges located on private land. It does not relate to trees on public land or disputes with public authorities about tree management.

[Download the Fact Sheet »](#)

Clearing trees on urban land and in E-Zones



We've also updated our Fact Sheet about protections for trees in NSW urban areas and land that is zoned for environmental purposes (E-zones).

It includes information about protections for trees, including under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, planning laws, and the *Biodiversity Conservation Act 2016* (NSW).

[Download the Fact Sheet »](#)

Court and Compliance Watch

Clippers Anchorage Pty Ltd v Port Stephens Council

The NSW Land and Environment Court has dismissed an appeal by Clippers Anchorage Pty Ltd in respect of the refusal of a development application for an extension of Soldiers Point Marina. The court found that consent should be refused under a number of grounds, including a risk that the development may have an unacceptable impact on critically endangered, threatened and vulnerable species.

[Read more »](#)

Waste company fined for illegally storing waste

The NSW Environment Protection Authority (EPA) has fined North Thornton Group \$15,000 for operating an unlawful waste facility.

The EPA found stockpiles of waste stored at a property in Thornton in July 2017 and instructed North Thornton Group to cease receiving and processing waste at the site. An EPA inspection in January 2018, however, confirmed that the company continued to allow the site to be used as an unlawful waste facility.

[Read more »](#)

Waste transporter fined for asbestos waste

A Lansvale man has been fined \$7,500 for causing soil contaminated with asbestos to be deposited at a private property in Wallacia.

EPA officers observed a truck unloading approximately 10 tonnes of soil as part of construction of a dam wall. When the officers approached the vehicle, the driver refused to stop. Soil samples confirmed that the load was contaminated with asbestos. The EPA used the truck's registration details to identify the owner, who was fined \$7,500 for depositing waste at a site that cannot lawfully receive it.

[Read more »](#)

Demolition and excavation business operator fined for asbestos waste

Tuggerah Demolition & Excavation has been fined \$7,500 for the unlawful storage of asbestos waste.

EPA, SafeWork and RID Squad officers inspected the premises of Tuggerah Demolition & Excavation and found up to 16.9 tonnes of asbestos waste stored at the site. The company and operator did not hold an Environment Protection Licence to receive the waste as required under the *Protection of the Environment Operations Act*.

[Read more »](#)

Law Reform and Policy Watch

Commencement of updated Environmental Planning & Assessment Act 1979

The NSW Government passed legislation to update the *Environmental Planning and Assessment Act 1979* (EP&A Act) in November 2017. Most changes to the Act will commence on Thursday 1 March 2018.

[More detailed information »](#)

Recent EDO submissions and reports

- [Water Use by Extractive Industry](#) – EDOs of Australia submission
- [Primary Production and Rural Development proposed SEPP](#) – EDO NSW submission
- [Draft Biodiversity Conservation Investment Strategy](#) – EDO NSW submission
- [Marine Biodiversity: Beyond National Jurisdiction](#) – HSI, EDO NSW, Australian Committee for IUCN
- [Draft Greater Sydney Region Plan](#) – EDO NSW submission
- [Community Engagement Strategy under the Crown Land Management Act 2016](#) – EDO NSW submission
- [Review of Environmental and Planning Assessment Regulation 2000 \(Issues paper\)](#) – EDO NSW submission
- [Draft Marine Estate Management Strategy 2018-2028](#) – EDO NSW submission
- [Proposed adjustment to Sustainable Diversion Limit \(SDL\) Adjustment Mechanism](#) – EDO Australia submission
- [Protected Plant Sustainable Management Plans 2018-22](#) – EDO NSW submission

Find all our law reform submissions and briefing papers [on our website](#).

Local Environmental Plan tracking

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

To access the LEP tracking system, visit the Department of Planning and Environment [website](#), go to [Current Proposals](#) and search for 'On Exhibition'. 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

The eBulletin gives 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 seek your 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

- **Closure of rail corridor between Goulburn and Crookwell**

A workshop will be held in Goulburn in February 2018 as part of an ongoing consultation process on future development of the rail corridor, including biosecurity and other risk mitigation strategies.

Register your interest to attend by 12 February 2018.

[Read more and have your say »](#)

- **Remediation of Land SEPP**

This proposed SEPP provides a state-wide planning framework for the remediation of land; requires consent authorities to consider the potential for land to be contaminated when determining development applications; lists the remediation works that require development consent; introduces certification and operational requirements for remediation works that can be undertaken without development consent.

Submissions are invited on the draft guidelines by 31 March 2018.

[Read more and have your say »](#)

- **Greener Places Draft Policy**

This policy aims to guide the design, planning and delivery of green infrastructure in urban areas across NSW.

Submissions are invited until 26 February 2018.

[Read more and have your say »](#)

- **Spray Drift Management**

This proposed spray drift management approach from the Australian Pesticides and Veterinary Medicine Authority deals with buffer zones, label instructions and drift-reducing technologies (DRT).

Submissions are invited until 30 March 2018

[Read more and have your say »](#)

- **2018 Offshore Petroleum Acreage Release**

This consultation provides an opportunity to provide feedback on the areas proposed for release and how you might be impacted by exploration activities.

Submissions are invited until 7 February 2018.

[Read more and have your say »](#)

- **Modernising Australia's electricity grid**

The Standing Committee on the Environment and Energy is using an online [questionnaire](#) to gather information about how Australians currently interact with the electricity system and their expectations of a modern grid.

Submissions are invited until Friday 28 April 2018.

[Read more and have your say »](#)

- **Australia's Biodiversity Conservation Strategy**

Australia's Strategy for Nature has been revised to provide a long-term vision for the care and sustainable management of Australia's biodiversity from now until 2030.

Submissions are invited until Friday 16 March 2018.

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

- **Nominations invited:** Nominations are invited for species, ecological communities or key threatening processes to be considered for listing under national environment law during the assessment period starting 1 October 2018. Nominations close at 5pm on Friday 30 March 2018. For further information, contact the Species Information and Policy Section, by email epbc.nominations@environment.gov.au or telephone (02) 6274 2535.

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

Fisheries assessments

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

For a full listing of fisheries assessments currently open for public comment, visit the [NSW Department of Primary Industries website](#) and the [Australian Department of the Environment website](#).

Plans of Management: Invitation to comment

- *No new plans have been placed on exhibition 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](#).

Major Project proposals: Invitation to comment

- [East Maitland](#) – Extension to the current life of mining at Bloomfield Colliery.
- [Leppington](#) – Proposed light industrial warehouse with operations including the preparation of motor oil products.
- [Thredbo](#) – Modification to amend materials and colour schedules for De Dacha, S96(1A).
- [Paxton](#) – Monetary contribution by developer for urban development near Cessnock.
- [Edgeworth](#) – Monetary contribution by developer for development near Lake Macquarie.
- [Kings Plain](#) – Development of 180 MW solar farm (Sapphire Solar) and associated infrastructure
- [Wollongong](#) – Monetary contribution by developer for development near West Dapto.

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

- [Darwin, NT](#) – Maintenance dredging of Darwin Port.
- [Fremantle WA](#) – Creation of a specialty boutique hotel.
- [Rockhampton, QLD](#) – Development of Clarke Creek Solar Farm and ancillary infrastructure.
- [Kwinana, WA](#) – Proposal to construct 46 residential lots which will involve the removal of remnant vegetation resulting in loss of vegetation and biodiversity.

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](#). [Common Ground](#) is the

NSW Government's online tool to help you find information about current exploration and mining activity in your area. The [NSW Government Gazette](#) also contains a list of all exploration and mining lease applications and determinations. Public comment can be made on coal and petroleum (including CSG) exploration licence applications on the Minerals and Petroleum [website](#). To learn more, read the EDO NSW publication [Mining Law in NSW: A guide for the community](#).

Community News

EDO Queensland Solicitor

EDO Queensland is looking for a qualified solicitor to join the team in their Brisbane office. You will primarily be providing community legal education, with some law reform and legal advice work.

This is a six month full time position, with the potential to extend.

[More information »](#)

Centre for Sustainability Leadership's Future Makers Fellowship

This fellowship runs from March to August 2018. Applicants can submit an Expression of Interest before February 18.

[More information »](#)

Women's Environmental Leadership Australia (WELA)

This leadership program will run from April to October. The deadline for applications is Wednesday 21 February. An online information session will be held on Tuesday 6 February at 7pm AEDT.

For queries, email welaprogram@gmail.com or phone India on 0403 198 959.

[More information »](#)

Imagining a Different Future – Overcoming Barriers to Climate Justice

This multidisciplinary conference will examine the barriers to responding to climate change and implementing climate justice and propose ways forward.

When: Thursday 8-Saturday 10 February 2018

Where: University of Tasmania, Hobart

[More details »](#)

Climate Leadership Conference

Over 30 of Australia's leading climate experts will present the latest best practice strategies to this conference.

When: Thursday 15 – Friday 16 March 2018

Where: Dockside, Darling Harbour, Sydney

[Read more »](#)

2018 Environmental Law Symposium

The Legal Practice Section of the Law Council of Australia will be hosting the 2018 Symposium. The event will include a special presentation honouring the contribution of Justice Murray Wilcox AO QC to environmental jurisprudence in Australia.

When: Thursday 19 April 2018 11:45am – late (dinner)
Where: NSW Law Society 170 Phillip St Sydney

[Read more »](#)

2018 Mahla Pearlman Oration

The oration will be delivered by former Chief Justice of the High Court, the Honourable Robert French AC, who will be introduced by Justice Pepper. The oration will also include the presentation of the Mahla Pearlman Australian Young Environmental Lawyer of the Year Award.

When: Thursday 19 April 2018 5:00pm – 7:00pm
Where: Federal Court of Australia, Sydney

[Read more »](#)

Narratives of Climate Change Symposium

This will be an interdisciplinary collaboration inspired by the possibility that the gap between scientific knowledge and effective political, legal and social action can be bridged by alternative forms of narrative, including fiction, social and other media, performances of all types, visionary planning and innovative litigation.

When: Thursday 5 – Friday 6 July
Where: Newcastle Law School, 409 Hunter St, Newcastle

[Read more »](#)

2018 Annual EPLA Conference

The 2018 EPLA Annual Conference will be held at Q Station, Sydney Harbour National Park, Manly. Members and friends are asked to save the following dates: Thursday 25 and Friday 26 October 2018.

Support EDO NSW

We need your help to keep defending our environment

EDO NSW has been providing critical legal support to communities for over 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 your support to help fund our programs and services.

Your help 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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