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EDO NSW EBULLETIN – 16 February 2018: Number 1043

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

Parliament votes to protect the Murray Darling Basin



On 14 February 2018, the Australian Parliament voted to disallow a proposed amendment to the Basin Plan to – amongst other things – take 70 GL (or 70 billion litres) away from the environment in the [northern](#) Murray-Darling Basin. The proposed amendment was based on work undertaken by the Murray-Darling Basin Authority as part of the Northern Basin Review.

We have received a number of inquiries from clients about this disallowance, the future of the Basin Plan and implications for the ongoing management of scarce water resources in our largest – and most important – river system. Our analysis is designed to separate fact from fiction

[Read Dr Emma Carmody's article on the Northern Basin Disallowance »](#)

Wollar Progress Association v Wilpinjong Coal

Our case in the Land and Environment Court - on behalf of the Wollar Progress Association – has concluded. The case challenged the NSW Planning Assessment Commission's (PAC) decision to allow the extension of the Wilpinjong open-cut coal mine. It ran for two and a half days until Monday this week. We now await the judgement.

Help us respond to the threat of climate change



Bayswater and Liddell power stations. Photo by Brian Yap.

Help us respond to the threat of climate change using our policy and law reform work, community legal education and in Court.

Your support for our Environmental Defence Fund will allow us to give battlers like Bev and communities like Wollar access to environmental justice.

Make a one-off gift to our [Environmental Defence Fund](#) or become a [Friend of the EDO](#) today.

Court and Compliance Watch

Prosecution of Minto Recycling

The NSW Environment Protection Authority (EPA) has commenced a prosecution in the NSW Land and Environment Court against Minto Recycling Pty Ltd for allegedly breaching a condition of its Environment Protection Licence and the *Protection of the Environment Operations Act*.

Minto Recycling holds a licence to carry out waste processing activities at its facility in southwest Sydney. As a condition, the site is limited to receiving 30,000 tonnes of waste per annum. The EPA alleges that they exceeded this limit by receiving more than 160,000 tonnes of waste during 2016-17.

[Read more »](#)

Law Reform and Policy Watch

Draft Large Scale Solar Energy Guidelines

EDO NSW has made a submission on these draft guidelines. Our submission makes general comments on how the planning system can increasingly contribute to

strategic renewable energy and climate change goals, and specific comments on the Draft Large Scale Solar Guideline.

[Read our submission »](#)

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. A table of old vs new section numbers can be found [here](#). A table of estimated commencement timings can be found [here](#).

[More detailed information »](#)

Recent EDO submissions and reports

- [Draft Large Scale Solar Energy Guidelines](#) – EDO NSW submission
- [New State Environmental Planning Policy \(Environment\)](#) – EDO NSW submission
- [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

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

Local Environmental Plan tracking

- [Strathfield](#) – Proposal to amend LEP to increase height and floor space ratio for 127 Homebush dwellings.
- [Edward River](#) – Rezone land in Deniliquin.
- [Clarence Valley](#) – Rezoning and reclassification of Ilarwill Sewerage Treatment Plant.
- [Burwood](#) – Add Ely House to Environmental Heritage schedule in LEP.
- [Canterbury](#) – Proposal to rezone 149-171 Milton St Ashbury from light industrial to residential.
- [Coffs Harbour](#) – Rezone numerous parcels of land at five different areas.
- [Canada Bay](#) – Include development of car parking with Canada Bay Club.
- [Strathfield](#) – Amend zoning, floor space ratio and height controls in Homebush development.
- [Byron](#) – Heliport as an additional permitted use at Tyagarah Airport, plus amend lot size map to enable subdivision.

- [Great Lakes](#) – Rezone land and apply provisions for wildlife corridors in Hawks Nest.
- [Ballina](#) – Rezone a Lot in Wardell from rural landscape to low density residential.
- [Ballina](#) – Rezone land at Visions Estate, Lennox Head, from medium to low density.
- [Woollahra](#) – Rezone a Vaucluse site from low to medium density to enable development of 67 flats.
- [Port Macquarie-Hastings](#) – Rezone land at Bonny Hills from primary production to residential and environmental conservation.
- [Port Macquarie-Hastings](#) – Rezone land in Port Macquarie for purposes of a town square.
- [Armidale](#) – Rezone land to facilitate 20 additional lots in an approved subdivision.

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](#).

Our online resource [also helps the community to effectively engage](#) with decision-makers and [request a workshop](#) for your community.

Consultations

- **Clean Energy Finance Corporation Amendment (Carbon Capture and Storage) Bill 2017**

This bill would amend the *Clean Energy Finance Corporation Act 2012* to remove the prohibition on the Clean Energy Finance Corporation investing in carbon capture and storage technologies.

The closing date for submissions is 13 March 2018.

[Read more and have your say »](#)

- **Energy Security Board National Energy Guarantee**

A public consultation paper for the National Energy Guarantee has been released by the Energy Security Board. The paper seeks feedback on the high level design of the mechanism’s reliability and emissions component.

A Sydney stakeholder forum plus webinar will be held on 26 February 2018. To register your interest in attending the forum, email info@esb.org.au.

Submissions on the consultation paper are due by 8 March 2018.

[Read more and have your say »](#)

- **Draft Camellia Town Centre Master Plan**

Developed by the NSW Department of Planning and Environment in conjunction with Parramatta City Council, the plan is on exhibition until 29 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

- **Commonwealth High Seas Fishery** - This fishery is due for assessment for ongoing export accreditation. The call for public comments is open until 6 April 2018.

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

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](#).

- *No new plans of management have been listed since the last eBulletin*

Major Project proposals: Invitation to comment

- [Shellharbour](#) – Second Deed of Amendment to Lend Lease Calderwood Urban development Project.
- [Armidale](#) – Extension of life of Hillgrove Mine until December 2023.
- [Mid Coast](#) – Increase in approved disturbance area for Karuah East Quarry
- [Newcastle](#) – Mixed use development.
- [Lake Macquarie](#) – Monetary contribution by developer for development at Cooranbong.
- [Wollongong](#) – Amend date for delivery of land for public primary school Calderwood UDP.
- [Wolondilly](#) – Monetary contribution by developer in Thirlmere.
- [Wolondilly](#) – Contribution by developer for Thirlmere development.
- [Glen Innes Severn, Inverell](#) – Modifications to White Rock Wind Project approval.
- [Willoughby](#) – Construction of 10 storey building at Royal North Shore Hospital.

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

- [Oakford, WA](#): Proposal to develop an 'urban village' with removal of black cockatoo habitat trees.
- [Busselton, WA](#): New two-lane road and bridge over Vasse River, with clearing of mature peppermint trees.
- [Collie, WA](#): Construct and operate a photovoltaic solar farm with clearing of native vegetation.
- [Waroona, WA](#): Sand extraction with clearing of remnant vegetation.

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

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

[More information »](#)

Law and Gender Equality

This WEA course offers an analysis of the law through the medium of gender, with a specific focus on women. It will discuss how a shared experience of disadvantage manifests in law by analysing the status of women in three different continents.

When: Wednesday 21 February – Wednesday 14 March 6pm-8:30pm

Where: 72 Bathurst St Sydney

[Read more »](#)

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 »](#)

Better Laws for a Better Planet – Symposium on the Future of Australia's Environmental Laws

This symposium organised by the Australian Panel of Experts on Environmental Law brings together experts from across disciplines and sectors to discuss the key challenges, opportunities and directions for the next generation of environment laws to deliver genuine environmental protections.

When: Tuesday 27 March 2018

Where: University House Hotel, Acton, Canberra

[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. Save the date: 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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