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## EDO NSW EBULLETIN – 23 February 2018: Number 1044

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

#### Fiji fisheries forum and Serua island visit



*On Serua island. Photo by Cyrielle Randrianarivony.*

Last month, our International Programs Manager BeomJin (BJ) Kim and CEO David Morris visited Fiji to attend the Fisheries Forum run by EDO NSW's partner, the Fiji Environmental Law Association (FELA). BJ presented three papers which considered the existing legal framework for the protection of marine resources and made suggestions for law and policy reform.

The next day the forum group visited Serua to learn about the fisheries management initiatives used on or around the island.

[Read more in BJ's blog post »](#)

#### Parliament votes to protect the Murray Darling Basin

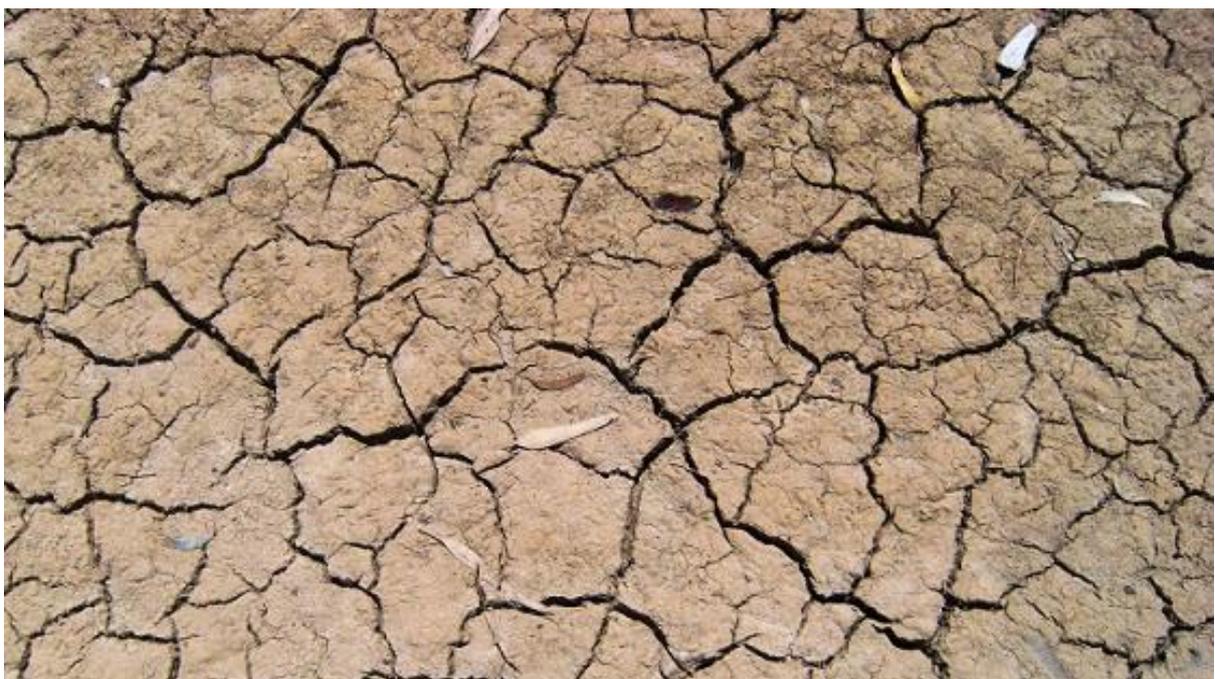


On 14 February, the Australian Parliament voted to disallow a proposed amendment to the Basin Plan to – amongst other things – take 70 GL (or 70 billion litres) away from the environment in the [northern](#) Murray-Darling Basin. The proposed amendment was based on work undertaken by the Murray-Darling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

Senior Policy and Law Reform Solicitor Dr Emma Carmody has written a legal update on 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.

[Read Emma's article »](#)

**Help us respond to the threat of climate change**



Last November, EDOs of Australia made a submission to the Murray Darling Northern Basin Review raising concerns about the lack of analysis of the likely impacts of climate change on the river system – a significant oversight given anticipated reductions in rainfall and inflows. These and other concerns have taken centre stage in the past week, with the Parliament's disallowance of the Northern Basin amendments.

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

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

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## **Court and Compliance Watch**

### **Waste company fined for unlawful waste deliveries**

The NSW Environment Protection Authority (EPA) has fined Maclean Excavations Pty Ltd \$15,000 for unlawfully transporting waste to an unlicensed Thornton property.

EPA officers found skip bins containing construction and demolition waste at the property which does not have development consent or an environment protection licence to operate as a waste facility.

[Read more »](#)

### **Council fined for sewer overflow**

The EPA has fined Tweed Shire Council \$15,000 after a sewer overflow occurred at Banora Point Wastewater Treatment Plant in November 2017.

The overflow resulted in approximately 20 megalitres of partially treated effluent flowing into to Terranora Creek. An incident report from Council showed the overflow was caused by operational errors, including a failure to identify that equipment was not operating, a failure to respond to alarms promptly and failure to correctly operate valves.

[Read more »](#)

### **Freight company fined for unsafe transport of goods**

The Land and Environment Court has convicted and fined international freight forwarding and customs clearance company Toll Global Forwarding Pty Ltd \$75,000 after it pleaded guilty to a charge that it failed to ensure safe transport from Port Botany to Smithfield of dangerous goods. The company was also ordered to pay the EPA's legal costs for prosecuting the case against it as agreed or assessed

[Read more »](#)

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## **Law Reform and Policy Watch**

## **Draft VLAMP and Mining SEPP**

Our submission provides specific comment on the *Draft Voluntary Land Acquisition and Mitigation Policy*, but also notes our overarching concern is that where the impacts of a mine actually make a property unliveable, then land acquisition and mitigation actions are not really 'voluntary', and there is a fundamental problem in saying that the proposed agreements and actions are an acceptable way to deal with impacts.

As it is therefore akin to a compulsory acquisition process by private companies, at the very least landholders should be entitled to heads of compensation that are the same as the *Land Acquisition (Just Terms Compensation) Act 1991*, and express reference should be made to that Act in relevant instruments and policies. Affected landholders should also be entitled to similar valuation and dispute resolution mechanisms, including rights of appeal to an independent arbiter.

[Read our submission »](#)

## **Land management and biodiversity conservation reforms – transition for Biodiversity Offsets Scheme**

The Biodiversity Offsets Scheme commenced for local development in most local government areas in NSW on 25 February 2018.

Additional Interim Designated Areas have been declared for some local government areas where transition arrangements will be extended until 24 November 2018. Until then, local development in these areas will continue to be assessed under the former planning provisions.

To find out about the reforms visit the [Land Management and Biodiversity Conservation website](#).

Read about the [Biodiversity Offset Scheme and transitional arrangements](#).

To view the Biodiversity Conservation Act 2016 and Local Land Services Amendment Act 2016 visit the [NSW Parliamentary website](#).

## **PFAS National Environmental Management Plan (NEMP)**

The NEMP on per- and poly- fluoroalkyl substances (PFAS) has been endorsed by Australia's Environment Ministers and publicly released.

[Read a guide to the Plan and a consultation summary report »](#)

## **Commencement of updated *Environmental Planning & Assessment Act 1979***

The NSW Government passed legislation to amend the *Environmental Planning and Assessment Act 1979* (EP&A Act) in November 2017. Most of these amendments 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 VLAMP and Mining SEPP](#) – EDO NSW submission
- [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

- [Northern Beaches](#) – Amendments to resolve anomalies in maps.
- [Canada Bay](#) – Proposal to amend Canada Bay LEP 2013 to address 12 housekeeping amendments.
- [Tweed](#) – Amend LEP 2014 to allow 'camping ground' as additional permitted use, with development consent.
- [Wollongong City](#) – Rezoning to allow development of Marshall Mount – Yallah precinct as urban release area for residential, commercial, employment, environmental protection and open space land uses.

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.

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### 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

- **Greater Newcastle Metro Plan**

The draft Plan sets out strategies and actions for sustainable growth across Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens local government areas.

Submissions are invited until 28 February 2018.

[Read more and have your say »](#)

- **Operation of the Emissions Reduction Fund Safeguard Mechanism**

The Australian Government has released a consultation paper which outlines an approach to make the Mechanism fairer and simpler and bring baselines up-to-date with current circumstances.

The paper is open for public comment until 30 March 2018.

[Read more and have your say »](#)

- **Public hearing – IPART review of developer charges and backlog sewerage charges**

The Independent Pricing and Regulatory Tribunal (IPART) is reviewing these charges for Sydney Water, Hunter Water and Central Coast Council. They are also reviewing related charges and methodologies, including Sydney Water's Developer Direct and Minor Service Extension charge and Hunter Water's potential Major Service Connection charge.

An Issues Paper and received submissions from utilities and stakeholders are available on the [IPART website](#).

A public hearing will be held on Tuesday 6 March 2018 commencing at 9:30am at Adina Apartment Hotel, 2 Lee Street, Haymarket, Sydney.

Register your attendance by 5pm on Friday 2 March 2018. All interested stakeholders are encouraged to attend.

Any further inquiries should be directed to Alexandra Sidorenko on (02) 9113 7769.

### **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](mailto: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 listings have been placed on exhibition since the last bulletin.*

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**

- **Brunswick Heads Draft Master Plan**

The Plan suggests an additional boat ramp, new car and trailer parking facilities, picnic facilities and new floating pontoons for mooring recreational and commercial vessels.

Have your say by 1 May 2018.

[Read more and have your say »](#)

- **Bobbiwaa Parks Draft Plan of Management**

The Office of Environment & Heritage seeks feedback on the Draft Plan of Management for the Bobbiwaa Parks, including Bobbiwaa State Conservation Area, Couradda National Park, Killarney State Conservation Area and Moema National Park.

Submissions are invited until 21 May 2018.

[Read more and have your say »](#)

- **Draft Floodplain Management Plan**

This Plan for Border Rivers Valley Floodplain 2018 will manage the development of flood works to:

- Provide clarity for landholders about where they can construct flood works
- Streamline the approval process for new and amended flood works
- Manage the passage of floodwaters through the floodplain to minimise the risk to life and property from flooding
- Maintain flood connectivity to flood dependent ecological and cultural assets on the floodplain.

Submissions are invited until 9 March 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**

- [Sydney](#) – Fit out and operation of a hotel and serviced apartments.
- [Shellharbour](#) – Bass Point Quarry Extension Project.
- [Snowy River](#) – Installing a small cell telecommunications facility.
- [Wollongong](#) – Monetary contribution from developer for designated state public infrastructure.

- [Parramatta](#) – Early Works Package, Epping.
- [Sydney](#) – Chippendale, amendments to the approved public domain and landscaping.
- [Parramatta](#) – Sydney Olympic Park, mixed use residential building.
- [Shoalhaven](#) – Proposed use of former paper mill site.
- [Sydney](#) – Modification to mixed use student accommodation and retail development.
- [Central Coast-Lake Macquarie](#) – Vales Point Solar Project.
- [Port Macquarie-Hastings](#) – Extending the operational life of the Cairncross landfill.

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**

- [Mary River West, NT](#): Proposed gold mine approximately 200km southeast of Darwin.
- [Surf Coast Shire, VIC](#): Proposed development of retail village precinct, elite sports precinct, 128-room hotel, leisure precinct and rural residential properties.
- [Glen Innes, NSW](#): Modification of previous referral for construction and operation of wind farm and associated infrastructure.
- [Sydney, NSW](#): Sydney Metro Rail Program proposes to construct and operate a barging facility at Clyde on the Parramatta River, requiring clearing of native vegetation.
- [Warretah-Wynyard, TAS](#): Proposal for construction of new Tailings Storage Facility at Hellyer gold mine.
- [Albanvale, VIC](#): Proposal for residential development, to consist largely of medium to high-density development.

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](#).

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## Community News

### **AGS Indigenous Secondee Lawyer or Law Graduate – Public Interest Advocacy Centre**

This is an exciting opportunity for an Aboriginal or Torres Strait Islander law graduate or junior lawyer with an interest in human rights and social justice to work at PIAC in Sydney. The Australian Government Solicitor (AGS) is pleased to support this position as part of its commitment to reconciliation and *pro bono*. This is a full time paid position for a 12-month period.

Applications close on Friday 2 March 2018.

To apply, visit [this recruitment website](#).

### **Lunch with climate change leaders from Kiribati**

Since early February, the Edmund Rice Centre has been running Resilient Leaders: Leading in Challenging Contexts. Eight leaders from the Kiribati Ministry of Education and Kiribati Climate Action Network are participating in the program which is funded by the Australia Awards program.

You are invited to meet the Fellows and celebrate a shared lunch:

When: Saturday 3 March 2018 12 – 4pm

Where: Edmund Rice Centre, 15 Henley Road, Homebush West

[RSVP here »](#)

### **Environmental Film Festival Australia**

The EFFA team is looking for enthusiastic, film-loving, enviro-conscious people to join the team.

[Find out 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 Future of 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 the Honourable Justice Rachel 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 – 7pm  
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 2018  
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

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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 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 »](#)

[Make your donation online here »](#)

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