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EDO NSW EBULLETIN – 2 March 2018: Number 1045

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](#).

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Have Your Say Alerts	Community News	Support EDO NSW

EDO NSW News and Events

EDO Insider MCPD seminars

As the acknowledged expert in public interest environmental law, EDO NSW is pleased to offer three professional development seminars covering mandatory fields for lawyers – Substantive Law, Professional Skills and Ethics and Professional Responsibility – in the context of environmental law both in Australia and internationally.

Environmental law in the South Pacific – 16 March

How can lawyers in Australia help their colleagues in the South Pacific protect the environment?



Serua Island, Fiji. Photo by Cyrielle Randrianarivony.

Hear from BJ Kim, our International Program Manager, on the Program's work to build the capacity of environmental lawyers in the South Pacific. BJ will also discuss

the deep-seabed mining litigation being run by our partners in Papua New Guinea, as well as opportunities for solicitors and barristers to get involved in the Program.

Using professional skills to protect the marine environment – 21 March

What tools do lawyers have at their disposal to protect the marine environment and achieve justice more broadly in administrative law processes?



White shark. Photo by Terry Goss, Wikimedia.

Belinda Rayment, Solicitor at EDO NSW, will discuss how professional skills, including advocacy, alternative dispute resolution and administrative and court processes, can be effectively applied to achieve outcomes. Humane Society International's Marine Scientist Jess Moore will also join the discussion.

Ethics and climate change litigation – 29 March

In an environment of urgent concern, do we have an ethical obligation to use the law to try to effect the change needed to preserve a safe climate?



Hazelwood power station. Photo by Mriya, Wikipedia.

Barrister James Hutton and Elaine Johnson, our Principal Solicitor, will discuss the ethics of climate change litigation and cases being run both domestically and internationally.

All seminars will run from 12:30-1:30pm at McCabes Lawyers, Level 38 MLC Centre, 19 Martin Place, Sydney. Cost is \$45 and a light lunch will be provided.

All funds raised from these seminars go towards our core work of helping the community protect the environment through law. We are very grateful to our pro bono partner McCabes for hosting these events.

Help us respond to the threat of climate change



In the last few weeks we have been [in Court against Wilpinjong Coal on behalf of the Wollar Progress Association](#), to ensure that emissions from coal mining are properly considered by decision-makers.

In the last few months, we've highlighted the lack of analysis of the threat of climate change on the Murray-Darling Basin - a significant oversight given anticipated reductions in rainfall and inflows.

Right now we're working with some of Australia's top legal minds, developing the next generation of Australian environmental laws; focusing on environmental protection and sustainable development rather than regulated destruction.

As NSW's only public interest environmental legal centre, we rely on your generous support. Please [donate to our Environmental Defence Fund today](#). Every gift helps.

Court and Compliance Watch

Recycling company fined for dust emission

The NSW Environment Protection Authority (EPA) has fined Greenacre Recycling Pty Ltd \$15,000 for failing to contain dust pollution at its waste depot.

EPA officers visited the company's Greenacre site in November 2017 and observed dust pollution caused by unloading deliveries. Further checks confirmed that the company's existing dust control measures were ineffective for the activities taking place on site.

[Read more »](#)

Waste facility fined for dust and stockpile breaches

The NSW EPA has fined a Padstow waste facility \$30,000 for dust and stockpile breaches at their Gow St site.

EPA officers inspected the Recycling Centre in September 2017 and observed dust blowing off a waste stockpile onto a neighbouring property and a waste stockpile stacked higher than the allowable 4m limit. Boundary fences at the site were also found to be ineffective at stopping dust during windy weather. The EPA issued a \$15,000 fine for the dust emissions and another \$15,000 fine for the stockpile exceedance. It also issued an official caution for the inadequate fencing.

[Read more »](#)

Waste company fined for poor waste storage

The NSW EPA has fined Dump It Recycling Centre Pty Ltd \$15,000 for storing waste outside in an uncovered area contrary to the conditions of its environment protection licence.

EPA officers have issued previous warnings to the company that the piles needed to be moved and stored in an enclosed area, as per the licence conditions. Despite warnings and cautions, a January 2018 EPA inspection found that waste was still being stored outside the building and the EPA issued a \$15,000 fine.

[Read more »](#)

Law Reform and Policy Watch

Regional Forests Agreements review

In this submission, EDO NSW raises five overarching issues on the operation of the NSW RFAs and the five-yearly review process, including the development of *A Report of Progress with Implementation of NSW Regional Forest Agreements: Second & Third five-yearly reviews July 2004 – June 2014 (Progress Report)*.

Our 5 key areas of concern are:

1. RFA reviews have not occurred in the required timeframes
2. Poor community consultation
3. Lack of third party civil enforcement and a culture of non-compliance
4. Limited data on environmental indicators
5. Need for transparent forestry governance and operational requirements.

[Download our submission »](#)

We will be making a further submission on the [proposed renewal of NSW RFAs – due 12 March](#).

Improving Mine Rehabilitation in NSW

As a community legal centre specialising in public interest environmental law, EDO NSW has commented extensively on the management of mining in NSW. Mine

rehabilitation should be considered as an integrated component in the overall management regime and our comments on mine rehabilitation are made in the context of our previous recommendations on improving the management of mining in NSW.

Our submission broadly responds to the proposals outlined in the Discussion Paper but in our view, these proposals are insufficient to ensure appropriate management and regulation of mine rehabilitation. We therefore also provide comment on areas where further work is required.

[Download our submission »](#)

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 commenced on Thursday 1 March 2018.

[More detailed information »](#)

Recent EDO submissions and reports

- [Improving Mine Rehabilitation in NSW](#) – EDO NSW submission
- [Regional Forests Agreements Review](#) – EDO NSW submission
- [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

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](#).

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

Consultations

- **Draft Aboriginal Cultural Heritage Bill**

This draft Bill proposes a new framework for the management and protection of Aboriginal cultural heritage in NSW. The new legislation would establish a new Aboriginal Cultural Heritage Authority empowered to make regulations, policies and guidelines that provide the detailed rules for how the new arrangements will work.

There will be consultation workshops around NSW throughout March. There will also be a webinar on 12 March – [find out more here](#).

Submissions close on 6 April 2018. EDO NSW will be publishing our preliminary analysis next week.

[Read more and have your say »](#)

- **Management and Use of Commonwealth Environmental Water**

The House of Representatives Standing Committee on the Environment and Energy has resolved to inquire into the 2016-17 annual report of the Department of the Environment and Energy. In doing so, the Committee will inquire into and report on the management and use of Commonwealth environmental water.

The Committee will be conducting public hearings and site inspections to gather evidence from stakeholders.

Submissions are invited until Thursday 12 April 2018.

[Read more and have your say »](#)

[Recent EDO NSW submissions on water law reform are available here.](#)

- **NSW Regional Forests Agreements**

The NSW and Commonwealth Governments are seeking comment on the renewal of NSW Regional Forest Agreements, including potential changes and improvements.

There are three Regional Forest Agreements (RFAs) in NSW: Eden (expiring on 26 August 2019); North East (expiring on 31 March 2020); and Southern (expiring on 24 April 2021).

Submissions are invited until Monday 12 March 2018.

[Read more and have your say »](#)

NB: This consultation is focused on the NSW and Commonwealth's proposal to renew and extend the NSW Regional Forest Agreements after expiry in 2019-20.

A separate review has been running at the same time, looking back on the RFAs' operation from 2004-2014 ([submissions for that formally closed on 23 February](#)).

The EDO NSW submission looking back at the 2004-2014 period and making recommendations to the independent reviewer [is here](#).

- **Preliminary assessment of potential gas exploration in Far West NSW – Bancannia and Pondie Range Troughs**

The Preliminary Regional Issues Assessment (PRIA) for Bancannia and Pondie Range Troughs involves consideration of social, environmental and economic benefits or risks relating to potential new release areas for gas exploration in Far West NSW. It is an early assessment as part of the [Strategic Release Framework](#).

Organisations or individuals interested to complete an online survey or provide further input should email pria@planning.nsw.gov.au ASAP to register.

[Read more and have your say »](#)

- **M12 Motorway Design**

Roads and Maritime Services is seeking feedback on the preliminary design and access strategy for the new M12 Motorway. The project team will be available at two community information sessions to answer questions.

Submissions are invited until 23 March 2018.

[Read more and have your say »](#)

- **Raleigh Bridge Maintenance**

Roads and Maritime Services is planning to repaint the Raleigh bridge and is proposing to close the bridge for the duration of the work. A review of environmental factors (REF) has been prepared to determine the environmental and social impacts of the work.

A community drop-in session will be held at Raleigh Hall in Walter Street from 3pm to 7pm on 5 March 2018.

Submissions are invited until 16 March 2018.

[Read more and have your say »](#)

- **Nowra Bridge Upgrade**

Roads and Maritime Services is planning for a new Princes Highway bridge over the Shoalhaven River at Nowra.

Feedback is invited until 23 March 2018.

[Read more and have your say »](#)

- **Case Studies on Environmental Action**

The Department of the Environment and Energy is seeking case studies of up to 500 words that showcase work that gives effect to the environment and energy goals and their targets.

Submissions will open shortly and will close on 31 December 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

- **Three SA Fisheries** – These fisheries are due for assessment for ongoing export accreditation. The call for public comments is open until 29 March 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

- **Centennial Parklands Draft Plan of Management**

The Centennial Parklands Plan of Management is an overarching strategic planning document that guides and informs a range of more detailed plans and policies for the day to day planning, design and management of the Parklands. The draft Plan is being updated and public comment is invited.

Submissions are invited until 5.00 pm on Friday 16 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

- *No new Major Project Proposals have been listed since the last eBulletin.*

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

- **Byron Bay, NSW:** Proposed mixed-use residential development on previously rural/agricultural land.
- **North Bruny Island, TAS:** Expansion (by 230ha) and modification of aquaculture operations in Storm Bay.

- [Bowen, QLD](#): Construction of a large-scale solar farm located near Bruce Highway.

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

Aurora Project Legal Internships

The Aurora Project works closely with a range of specialists in native title, Indigenous education and the broader Indigenous sector to deliver programs and services across Australia. Applications for the winter 2018 round of legal internships open on Monday 5 March 2018 at 9am and close on 30 March 2018 at 5pm.

EDO NSW has just hosted an Aurora intern – William Field-Papuga – who has been assisting with our work on the NSW Aboriginal cultural heritage reforms and ongoing legal advice work for our Aboriginal clients.

[Find out more »](#)

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 »](#)

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.

EDO NSW CEO David Morris and Law Reform Director Rachel Walmsley will be speaking at the conference.

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 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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