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### EDO NSW EBULLETIN – 23 March 2018: Number 1048

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

#### The Future of Australia's Environmental Laws



The EDO is helping to develop the next generation of Australian environmental laws. These focus on environmental protection and sustainable development with transparency and accountability, rather than regulated destruction.

The [Better Laws for a Better Planet](#) symposium takes place in Canberra next Tuesday 27 March 2018.

Our Policy and Law Reform Director Rachel Walmsley is a member of the [Australian Panel of Experts on Environmental Law \(APEEL\)](#) which is helping to organise the symposium and will be chairing the panel on Compliance and the Environmental Rule of Law. Our CEO David Morris is amongst the speakers on that panel.

You can follow the symposium on Twitter under the hashtag [#naturelaws](#). We will bring you full reports in coming eBulletins.

[See our web page on national environmental law reform »](#)

### **EDO NSW in the news**

- [Bottled water has become big business and it's dividing rural communities](#)
- [Intermodal: Court announces the new conditions on Qube](#)

### **EDO Insider MCPD seminar**



*International program Director BJ Kim (left) outlined our work in environmental law in the South Pacific last Friday. On Tuesday this week, HSI marine scientist Jess Morris and EDO NSW solicitor Belinda Rayment discussed using the law and other mechanisms to protect marine life.*

EDO NSW is pleased to offer the final professional development seminar in our recent series, this one covering Ethics and Professional Responsibility in the context of climate change litigation.

### **[Ethics and climate change litigation – Thursday 29 March](#)**

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.

*The seminar 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 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 this event.*

### **EDO NSW Community workshops on new Cultural Heritage Laws**



The NSW Government is planning to make big changes to Aboriginal Cultural Heritage laws. (See Have Your Say below for public consultation on a draft Aboriginal Cultural Heritage Bill.) The EDO will be holding a series of free community workshops to discuss the proposed new law. Keep an eye on our [Community Workshops page](#) for future listings.

- [Bourke Tuesday 27 March](#)
- [Dorrigo Tuesday 3 April](#)

**Help us continue our vital work**

Photo Chad Beranek



As a non-Government community legal centre, EDO NSW relies on your support to continue our important work - ensuring that people and nature have access to environmental education and justice, our planning system is accountable and transparent and our laws put environmental protection first and foremost.

If you agree that this is vital, please donate to our [Environmental Defence Fund](#).

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### **Court and Compliance Watch**

#### **Farmer and contractor fined \$8,500 for misuse of pesticides**

A dairy farmer and a contractor in the Coffs Harbour area have been fined by the NSW Environment Protection Authority (EPA) for misuse of pesticides.

The EPA issued fines to each party, including a \$1000 fine to a local dairy for employing an unqualified person to use pesticides and a \$7500 fine to the contractor who was employed for not having the appropriate qualifications to use pesticides on the site and for pollution of waters. The contractor has also been issued Official Cautions for breaches of the Pesticides Act and Regulations.

The investigation was triggered by the detection of pesticides residues in a sample from a rainwater tank.

[Read more »](#)

#### **Wyong waste facility fined \$15,000 for outdoor waste storage**

The EPA has fined Alcon Disposals Pty Ltd \$15,000 for storing solid waste in an outdoor area, contrary to the conditions of its environment protection licence.

During an inspection of the Wyong facility in December 2017, EPA officers found that a large stockpile of scrap steel was stored outside and another waste stockpile (consisting of soil, shredded timber, plastic and steel) was stored under an awning.

It is a condition of the licence that the facility store waste indoors to prevent dust and ensure waste is appropriately contained.

[Read more »](#)

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## Law Reform and Policy Watch

### **Proposed Biodiversity Conservation Strategy: *Australia's Strategy for Nature 2018-2030***

This EDOs of Australia submission comments on the Draft Revision of *Australia's Strategy for Nature 2018-2030*. Our key comments are:

- The focus on biodiversity should be clear throughout the Strategy
- Links between economy, society and environment must be unequivocal
- The Draft Revision includes high-level goals and objectives but no strategies or actions
- Draft objectives invite the questions: What are governments committing to do and how will success be measured?
- The supporting principles are too vague and do not recognise the need for improved data and funding
- An actions inventory is no substitute for clear targets, actions and responsibilities.

[Download this submission »](#)

### **Crown Land Management Act 2016**

From Monday 19 March provisions of the *Crown Land Management Act 2016* commenced which enable eligible Western Lands lease holders to convert their lease into freehold title.

Later this year, the remaining provisions of the Act will also come into force and until such time, existing Crown land legislation remains in place.

[Find out more »](#)

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

- [Draft Revision of the Biodiversity Conservation Strategy](#) – EDOs of Australia submission
- [NSW Regional Forests Agreement](#) – EDO NSW submission
- [Ancillary rules for use of mine site ecological rehabilitation as an offset](#) – EDO NSW submission
- [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.

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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**

- **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 detailed rules for how the new arrangements will work.

The NSW Government will be holding consultation workshops around NSW throughout March:

- Broken Hill – 26 March
- Muswellbrook – 26 March
- Griffith – 28 March
- Nowra – 28 March

Submissions close on 20 April 2018.

[Read more and have your say »](#)

- **NSW Water Reform Action Plan**

The NSW Department of Industry is seeking community feedback on consultation papers to inform the NSW Water Reform Action Plan. The papers cover the following topics: Better Management of Environmental Water; Water Take Measurement and Metering; Transparency Measures; and Floodplain Harvesting Policy.

There will be community consultation events held around NSW:

- Moree – 27 March
- Coffs Harbour – 28 March
- Gunnedah – 28 March
- Wentworth – 4 April
- Griffith – 6 April

Submissions close on 15 April 2018.

[Read more and have your say »](#)

- **Draft Assessment Action Escalation (AAE) Process and Work Plan**

The Commonwealth Department of Environment and Energy has developed a Draft AAE Process and Work Plan to guide strategic national prioritisation of action to minimise environmental impacts of waste from products. The Department is seeking community comment.

Submissions close at 5pm on 4 May 2018.

[Read more and have your say »](#)

- **Murray-Darling Basin Plan: Five-year assessment**

The Commonwealth Productivity Commission is conducting an inquiry into the Murray-Darling Basin Plan and has released an issues paper. The Commission is seeking submissions on its issues paper.

Public forums will be held across Australia. NSW forums:

- Deniliquin, NSW – 28 March
- Moree, NSW – 3 April
- Griffith, NSW – 13 April

[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](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 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**

- **Draft Plan of Management for Mother of Ducks Lagoon**

The National Parks and Wildlife Service is seeking feedback on the future management of Mother of Ducks Lagoon Nature Reserve, which contains two threatened ecological communities and provides habitat for several vulnerable and endangered bird species.

The plan of management will be on exhibition until 18 June 2018.

[Read more and have your say »](#)

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

- [Aztec Lodge, Thredbo](#) – Alterations to existing driveway and retaining wall at Thredbo Alpine Resource. Submissions invited until 3 April 2018
- [Russell Vale Colliery, Russell Vale](#) – Modifications to Project Approval regarding requirements for works on Ballambi Creek Gully. Submissions invited until 30 March 2018
- [Spring Farm Quarry, Spring Farm](#) – Modification to Development Application for an additional 2 years of extraction. Submissions invited until 29 March 2018
- [Calderwood Concept Plan, Calderwood](#) – Modification to Concept Plan Approval to permit subdivision of land for residential housing estate on the site which includes E3 Environmental Management zoned portions. Submissions invited until 29 March 2018

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**

- [Rolleston, QLD](#) – development of a utility-scale solar farm consisting of photovoltaic panels arranged in rows along with necessary supporting infrastructure.
- [Lilydale, VIC](#) – development of facility to generate electricity by feeding organic waste into an anaerobic digestion process and, using the methane-rich biogas produced to fuel a generator.

- [Manjimup and Pemberton, WA](#) – Installation of 253km of water distribution pipelines between the Donnelly River offtake pump station to property outlets as part of the Southern Forests Irrigation Scheme (SFIS). This is SFIS Project 2.
- [Manjimup and Pemberton, WA](#) – Water offtake from the Donnelly River to irrigate approximately 1700ha of land for horticultural and agricultural production in the Southern Forests region. This is SFIS Project 1.
- [Halls Head, WA](#) – Residential subdivision and additional land clearing in an area that is partly vegetated, with cleared patches between trees.

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 close on 30 March 2018 at 5pm.

[Find out 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 »](#)

### **Land use responses to climate change**

Ever wondered how people can keep getting approvals to build on beach-front primary dunes, floodplains or bushfire-prone escarpments? What are appropriate public policy and town planning responses to their demand to be able to rebuild after a storm, flood or fire? What about their cries for compensation and for publicly-funded defences such as seawalls?

EIANZ NSW Division presents Dr Helen Monks on how professionals can reshape public expectations within existing statutory systems and in response to emerging scenarios for vulnerable properties.

When: Wednesday 11 April 2018 5.30pm for a 6.00pm start  
Where: GHD, Level 12, 133 Castlereagh St, Sydney  
Cost: \$25 Members / \$15 EIANZ student members / \$45 Non-members

Event queries to [nsw@eianz.org](mailto:nsw@eianz.org) Enquiries regarding registration, contact [office@eianz.org](mailto:office@eianz.org)

### **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 »](#)

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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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