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EDO NSW EBULLETIN – 29 March 2018: Number 1049

A free weekly bulletin that includes news, events 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

6 things you need to know about Aboriginal Cultural Heritage reforms



Whale caves near Wollongong. Photo Mark Holden.

Legal protection and management of Aboriginal cultural heritage in NSW is long overdue for reform. NSW is the only Australian jurisdiction without standalone cultural heritage legislation. Regulation continues under flora and fauna legislation via the *National Parks and Wildlife Act 1974* (NSW), at great offense to many Aboriginal people.

The NSW Government is currently consulting on the Aboriginal Cultural Heritage Bill 2018. Public comments and submissions are due by Friday 20 April.

The Office of Environment and Heritage is running public workshops on the Draft Bill throughout March and April, with Aboriginal facilitators (see Have Your Say in this bulletin). EDO NSW is also briefing communities and preparing independent

guidance during the consultation period. Keep an eye on our [Community Workshops page](#) for future listings. Our next workshop is at [Dorrigo on Tuesday 3 April](#).

- [Read our 6 six key issues to consider when commenting on the Draft Bill »](#)
- [EDO NSW community briefing note »](#)
- [Tips on writing an effective submission »](#)

The Future of Australia's Environmental Laws



Rachel Walmsley, Policy and Law reform Director, chairs a symposium panel.

'Riveting', 'an important day', 'constructive', 'visionary'... The full house for Tuesday's Canberra symposium on the future of Australia's environmental laws declared it a huge success. In coming weeks we'll bring you reports from our Director of Policy and Law Reform Rachel Walmsley and CEO David Morris, who were among the expert speakers.

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

EDO NSW in the news

- [WaterNSW boss told cotton grower of bid to keep his usage data from being released](#)
- [Coalition accuses green groups of misleading public over forestry agreements](#)

Help us continue our vital work



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](#).

Court and Compliance Watch

Marina operator fined \$157,950 for diesel spill in Sydney Harbour

The NSW Land and Environment Court ordered Ardent Leisure Ltd to be convicted and fined \$157,950 after approximately 6000L of diesel fuel escaped into Sydney Harbour from a fuel storage system at a Rushcutters Bay marina in May 2016. The spill was caused by a contractor who was engaged to decommission a disused fuel tank and not told it was connected via underground pipework to an active fuel tank.

[Read more »](#)

Sydney Water enters Enforceable Undertakings for sewage discharge

Sydney Water Corporation entered into an Enforceable Undertaking with the EPA to pay \$200,000 to fund environmental works after two major discharges of untreated sewage and stormwater from Tunks Park, Cammeray into Middle Harbour on 19 and 20 March 2017,

[Read more »](#)

Concrete batching plant fined for repeat air pollution offence

The EPA has fined a concrete batching plant \$8,000 for an air pollution offence after concrete dust twice blew onto a neighbouring property. The EPA had inspected the property after receiving a complaint earlier this year.

[Read more »](#)

Development application for boathouse arm declared invalid

The NSW Land and Environment Court declared Shoalhaven City Council's decision to grant development consent for a 'boathouse arm' to be invalid. The Council failed to consider the likely effect of coastal inundation and erosion as a result of wave run-up on the screen wall.

[Read more »](#)

Law Reform and Policy Watch

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.

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 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 would work.

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: 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:

- Wentworth 4 April
- Griffith 6 April

Submissions close on 15 April 2018.

[Read more and have your say »](#)

- **Sydney Metro West**

Transport for NSW is seeking feedback on the study area for Sydney Metro West, an underground rail link connecting Parramatta to the Sydney CBD.

There will be community information sessions held around the metropolitan area:

- Parramatta – 5 and 7 April
- Concord – 11 April
- Sydney CBD – 18 April
- Parramatta – 20 April
- Sydney Olympic Park – 21 April and 3 May
- Pyrmont – 5 May

Submissions close on 18 May 2018.

[Read more and have your say »](#)

- **Western Sydney Long Term Strategic Transport Corridors**

Transport for NSW is seeking feedback on the Strategic Environmental Assessments that set out the strategic justification for four Western Sydney corridors.

There will be community drop-in sessions held around Western Sydney:

- Kurrajong – 4 April
- Horsley Park – 5 April
- Luddenham – 7 April
- Guildford – 10 April
- North Richmond – 11 April
- Camden – 1 May
- Guildford – 3 May
- Berkshire Park – 8 May
- St Marys – 14 May

Submissions close on 18 May 2018.

[Read more and have your say »](#)

- **Barrington River Bridge**

Roads and Maritime Services is seeking feedback on the Review of Environmental Factors (REF) for the construction of a new bridge over the Barrington River. Submissions close on 23 April 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 the paper.

Public forums will be held across Australia. Upcoming NSW forums:

- Moree, NSW – 3 April
- Griffith, NSW – 13 April

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

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

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

- **Boonalla Aboriginal Area Community Conservation Area Zone 2**

The National Parks and Wildlife Service is seeking feedback on the future management directions for Boonalla Aboriginal Area Community Conservation Area Zone 2.

The plan of management will be on exhibition until 22 June 2018.

[Read more and have your say »](#)

Major Project proposals: Invitation to comment

- [One Carrington Street, Sydney](#) – Minor administrative amendment to plans to include provision for potential void zones. Submissions invited until 10 April 2018.
- [Goulburn Base Hospital Redevelopment, Goulburn](#) – Redevelopment of hospital including construction of a new four storey acute clinical services building. Submissions invited until 23 April 2018.
- [Wallerawang Power Station, Portland](#) – Modification to allow the importation of clean fill to Wallerawang Ash Repository. Submissions invited until 9 April 2018.
- [Mainsbridge School for Specific Purposes, Warwick Farm](#) – Development and relocation of the Specific Purposes function of Mainbridge School to Warwick Farm Public School. Submissions invited until 20 April 2018.
- [North Ryde Station Precinct, Ryde](#) – Modification to North Ryde Station Activation Precinct to allow 24-hour construction of a temporary pre-assembly shed, removal of additional 17 trees and to stratum subdivide the pedestrian bridge. Submissions invited until 5 April 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

- [Karratha, WA](#) – oil and gas exploration in offshore waters of WA including the use of seismic surveys and low frequency impulsive sounds at regular intervals.
- [Little Bay, NSW](#) – construction of a multi-storey residential development including clearing of vegetation to create a 15m Asset Protection Zone.
- [Jellinbah, QLD](#) – extension of mining activities and expansion of area available for dumping of spoil.

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

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 Enquiries regarding registration, contact 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 »](#)

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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