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EDO NSW EBULLETIN – 6 April 2018: Number 1051

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

Free Community Workshop in Lismore Wednesday 11 April –

The Aboriginal Cultural Heritage Bill: What you need to know and how to have your say

EDO lawyers will be holding a community workshop in Lismore to explain the key aspects of the Draft *Aboriginal Cultural Heritage Bill 2018* which is on exhibition for public comment until 20 April 2018.

This is an important opportunity to get independent and expert analysis and advice on what the government is proposing. We'd love to see you there.

Where: Ngulingah Aboriginal Land Council, 53 Conway Street Lismore

When: 11am – 1pm, Wednesday 11 April

Light refreshments will be provided.

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).

- [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 »](#)

Review of EPBC Act impacts on agriculture

The Minister for the Environment and Energy and the Minister for Agriculture and Water jointly announced a short-term, non-statutory Independent Review focussing on the way our farmers' interact with the *Environment Protection and Biodiversity Conservation Act 1999* (*Cth*) (the EPBC Act).

A comprehensive statutory review of the Act is due later this year, and it seems this targeted review will not be a general consultation. This more specific review will be conducted by Dr Wendy Craik who will undertake targeted consultation to understand concerns of farmers and areas of potential efficiencies. It aims to identify activities that can be practically implemented in the short-term to improve regulatory clarity for farmers, in a way that does not lower environmental standards. However, it is unclear why this issue is being dealt with a sectoral review instead of as part of the statutory review, and we are also concerned about the limited consultation.

- See: <http://www.environment.gov.au/epbc/information-for/farmers/agriculture-review>

EDO NSW in the news

- [Concerns of coal mine expansion polluting rivers](#)
- [Excellent overview of Murray-Darling Basin issues, featuring several EDO NSW clients](#)

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

Pavement company fined for air pollution offence

The EPA has fined Pavements Australia Pty Ltd \$8,000 for an air pollution offence after dust from lime laying activities was blown onto neighbouring residences and cars in Hill St Port Macquarie. The EPA found that the company failed to properly assess and monitor weather conditions prior to, and during, the application of the lime and used a spreader without dust control equipment fitted.

[Read more »](#)

Law Reform and Policy Watch

New planning policy for coastal management

[State Environmental Planning Policy \(Coastal Management\) 2018](#) (Coastal SEPP) commenced on 3 April 2018. The Coastal SEPP guides development in coastal areas, including land adjacent to beaches, estuaries, coastal lakes, coastal wetlands and littoral rainforests.

The Coastal SEPP replaces three environmental planning instruments: SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection), including clause 5.5 of the Standard Instrument – Principal Local Environmental Plan.

An [accompanying interactive spatial map viewer](#) can be accessed via the Department of Planning and Environment website.

[More information »](#)

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

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:

- Griffith 6 April

Submissions close on 15 April 2018.

[Read more and have your say »](#)

- **Brunswick Heads Boat Harbour Draft Master Plan**

The Department of Industry - Lands and Water is seeking feedback on the Brunswick Heads Boat Harbour Draft Master Plan.

Submissions are invited until 1 May 2018.

[Read more and have your say »](#)

- **Draft Pest Animal Management Plans**

Local Land Services is seeking input into 11 draft regional strategic pest animal management plans.

Strategies and actions have been established to achieve goals that focus on shared responsibility for pest animal management, sustainable landscapes and collaborative leadership and innovation.

Submissions are invited until 20 April 2018.

[Read more and have your say »](#)

- **Revocation of the Carbon Credits (Sequestering of Carbon in Soils in Grazing Systems) Methodology Determination**

The Department of the Environment and Energy is seeking views on a proposal to revoke the Carbon Credits (Carbon Farming Initiative – Sequestering Carbon in Soils in Grazing Systems) Methodology Determination 2014.

If the method is revoked, any new direct measurement soil carbon projects will need to be registered under the Carbon Credits (Carbon Farming Initiative — Measurement of Soil Carbon Sequestration in Agricultural Systems) Methodology Determination 2018.

Submissions are invited until 23 April 2018.

[Read more and have your say »](#)

- **Proposed national approach to product stewardship action on environmental impacts of products**

The Department of the Environment and Energy, in consultation with a working group representing the states, territories and local government is developing a set of principles and processes to guide strategic national prioritisation of action to minimise the environmental impacts of waste from products.

Submissions are invited until 4 May 2018.

[Read more and have your say »](#)

- **Review of the Product Stewardship Act 2011, including the National Television and Computer Recycling Scheme**

The Department of Environment and Energy is seeking input from industry, governments and the general public to ensure the *Product Stewardship Act 2011* is effective and delivering the best outcomes for business and the environment.

Submissions are invited until 29 June 2018.

[Read more and have your say »](#)

- **Case studies on action underway on the environment and energy Sustainable Development Goals**

The Department of the Environment and Energy recently launched the 2017 online compendium of case studies showcasing the environment and energy Sustainable Development Goals.

The Department is now seeking case studies of up to 500 words that showcase work that gives effect to the environment and energy Goals and their Targets to form the 2018 online compendium.

Submissions are invited until 31 December 2018.

[Read more and have your say »](#)

- **Remaking Offshore Minerals Regulations and Acts**

The Department of Industry, Innovation and Science is seeking community feedback on a proposal to remake the Offshore Minerals Regulations without substantive amendment, and whether the Regulations are operating effectively and efficiently.

Submissions are invited until 13 April 2018.

[Read more and have your say »](#)

- **Threatened Species and Endangered Ecological Community Listings**
 - *Philothea sporadica* (Kogan waxflower) – Proposal to list as endangered under the EPBC Act - [Submissions invited until 18 May 2018](#).

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**
 - Western Australian West Coast Rock Lobster Fishery – ongoing export accreditation – [Submissions invited until 4 May 2018](#).
 - Western Australian Pilbara Trawl Fisher – ongoing export accreditation – [Submissions invited until 4 May 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

- **Queens Lake Draft Plan of Management**

The Office of Environment & Heritage is seeking public comments on the Queens Lake Nature Reserve and Queens Lake State Conservation Area Draft Plan of Management.

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

[Read more and have your say »](#)

- **Bobbiwaa Parks Draft Plan of Management**

The Office of Environment & Heritage is seeking feedback on the Draft Plan of Management for the Bobbiwaa Parks.

The plan of management will be on exhibition until 21 May 2018.

[Read more and have your say »](#)

- **Toorale Draft Plan of Management**

National Parks and Wildlife Service is seeking feedback on the Draft Plan of Management for Toorale National Park and Toorale State Conservation Area.

The plan of management will be on exhibition until 7 May 2018.

[Read more and have your say »](#)

Major Project proposals: Invitation to comment

- [WestConnex M4 East, Concord](#) – Construction of a permanent cul-de-sac and associated footpaths, construction of a permanent kerb extension, and closure of a service station entry/exit. Submissions invited until 11 April 2018.
- [Enfield Logistics Centre, Strathfield South](#) – Modification to site layout, building footprints and building heights and modification of operational parameters to allow 24/7 operating hours. Submissions invited until 26 April 2018.
- [Waitara Public School, Wahrenonga](#) – Alterations and additions to Waitara Public School including the removal of 13 demountables and 11 modular buildings and construction of 37 permanent teaching spaces/homebases and core facilities. Submissions invited until 27 April 2018.
- [42 and 60 Greenacre Drive, Tahmoor](#) – Developer monetary contribution. Submissions invited until 3 May 2018.
- [Greystanes Public School, Greystanes](#) – Alterations and additions to Greystanes Public School including demolition of existing demountable buildings and construction and refurbishment of several buildings. Submissions invited until 4 May 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

- [Chapman Hill, WA](#) – Development of a gravel mine including clearing of 2.8 ha of native vegetation.
- [Halls Island, TAS](#) – Construction and operation of a small-scale Standing Camp on Halls Island in Lake Malbena.
- [Southern River, WA](#) – Establishment of stock grazing area and stock loading/unloading infrastructure including clearing of 4.51 ha of native vegetation.
- [Broome, WA](#) – Relocation of Broome Motocross facilities.
- [Essendon Fields, VIC](#) – Construction of three warehouses including road extension and car parking facilities.
- [Pilbara, WA](#) – Development of a high-volume salt extraction project including seawater intake and associated infrastructure.

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 »](#)

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