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EDO NSW EBULLETIN – 13 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

Lack of transparency surrounds in-farm irrigation efficiency programs



Irrigation of a cotton crop. Photo: Wikimedia

A significant fraud investigation in Queensland reinforces concerns expressed by EDO NSW about the lack of transparency as well as inadequate auditing and monitoring of in-farm irrigation efficiency programs.

Protecting the reputations of honest landholders is a live issue for EDO NSW: we represent and advise many farmers and are keen to ensure they are able to maintain their social licence to operate.

As public interest environmental lawyers, we would also like to know that these programs are actually reducing the volume of water that is being consumed - and improving the health of our most important river system.

The importance of this issue cannot be overstated.

[Read this blog post by Dr Emma Carmody >>](#)

Concerns Springvale coal mine expansion to pollute Sydney drinking water

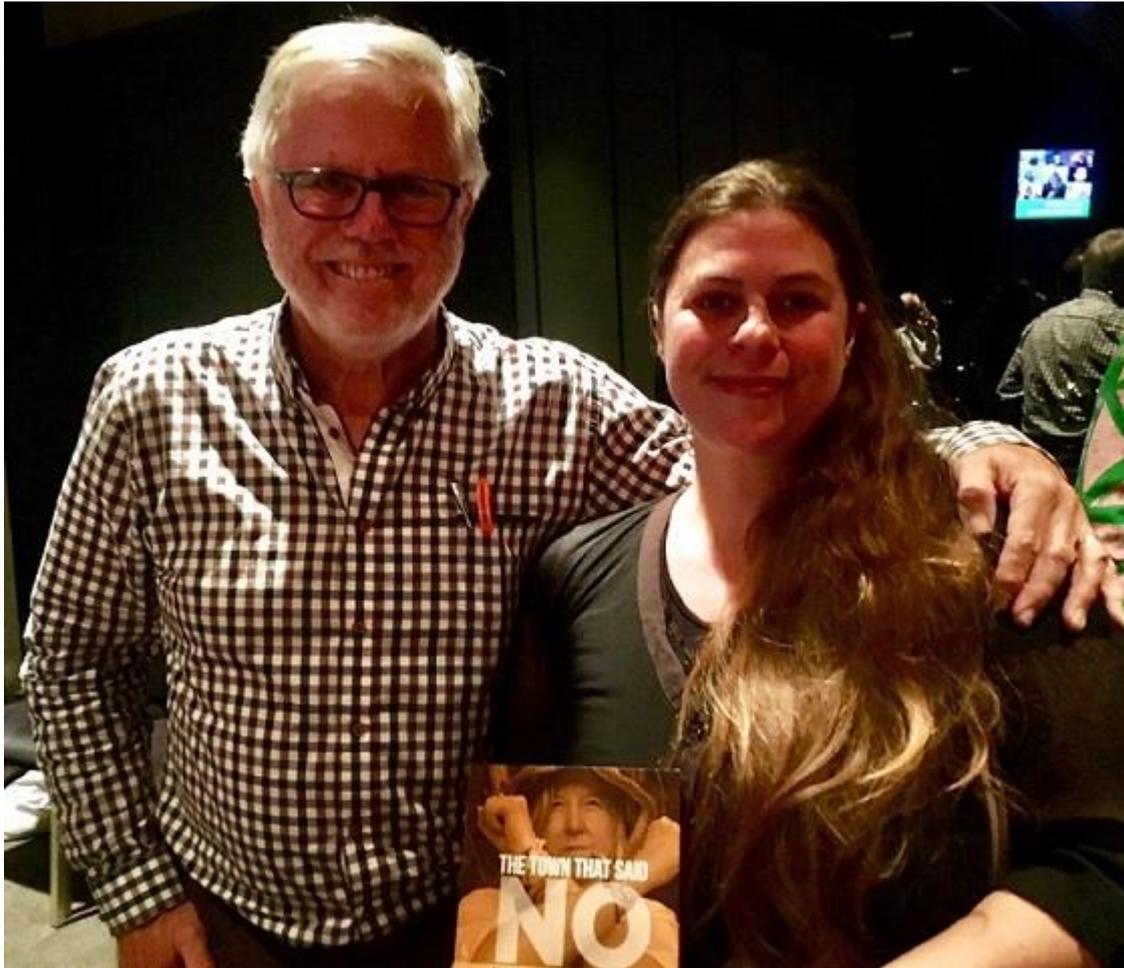


Andrew Thomas has filed an international report for Al Jazeera on concerns that the proposed expansion of Springvale coal mine could pollute the rivers which supply water to Sydney. The expansion follows the [special legislation introduced by the NSW Government](#) in October 2017 overruling the Court of Appeal's decision that the Springvale coal mine was unlawfully approved, in our case on behalf of 4nature.

EDO NSW CEO David Morris and water quality expert Dr Ian Wright of Western Sydney University both appear in the video.

[Watch the video report >>](#)

[The Town that said No to AGL](#)



John Watts with Principal Solicitor Elaine Johnson at the launch.

'The Town that Said No to AGL' by our client John Watts of Gloucester was launched at State Parliament House on Wednesday night.

[Read more >>](#)

Lismore office closes

The EDO NSW Lismore office is closing this week. We will continue to service our valued clients and the Northern Rivers community through our Sydney office outreach and legal advice work.

[Read more >>](#)

EDO NSW in the news

- ['Off to Climate Court' – David Morris on ABC radio's Country Hour](#)
- [One of Queensland's largest irrigators expected to be charged with fraud](#)
- [EDO closes Lismore office](#)

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](#).

Court and Compliance Watch

Company fined \$75,000 for misleading EPA

Metropolitan Demolition and Recycling Pty Ltd pleaded guilty to knowingly providing false and misleading information in response to a statutory notice issued by the NSW Environmental Protection Authority (EPA).

Metropolitan Demolition and Recycling informed the EPA that the purpose of a diary was to estimate load weights and improve quoting purposes. It was later discovered this was false – the diary was being used to avoid RMS fees by underreporting overloaded trucks.

[Read more >>](#)

Law Reform and Policy Watch

Draft Aboriginal Cultural Heritage Bill NSW

EDO NSW is publishing our submission on the **Draft Aboriginal Cultural Heritage Bill 2018**

During the consultation period EDO NSW has been hearing from and visiting Aboriginal communities and clients in regional NSW, from the Northern Rivers to the Far West, to brief them on the draft Bill and hear their aspirations for cultural heritage protection. Our submission also draws on decades of legal expertise and assistance to Aboriginal people and communities in heritage, planning and environmental law matters.

We strongly support standalone legislation with new Aboriginal institutions and decision-making. In particular we support the broader recognition of Aboriginal cultural heritage, including intangible heritage; a new information system for mapping, monitoring and reporting; greater Aboriginal responsibility for heritage management and oversight, compliance and enforcement; and associated opportunities for empowerment, capacity-building, employment and self-determination.

However we make recommendations to address concerns regarding: excessive ministerial powers and open-ended discretions – such as for ‘declaring’ ACH; the lack of any public information or discussion of major resourcing questions – in particular how (and whether) the ACH Authority and Local Panels will be fully resourced to fulfil their functions and invest in Aboriginal capacity-building; limited explanation to communities about how new definitions will be implemented in practice, protections for declared ACH, or the practicalities of registering intangible ACH; the exclusion of major projects from standard assessment pathways and harm offences; the need for clarity around which activities will need to follow the assessment pathway; and the clear imbalance in review and appeal rights that favours developers over Aboriginal people whose heritage is affected, contrary to the aims of the reforms and draft Bill.

[Insert link and link to blog]

Low Rise Medium Density Housing Code

A new Low Rise Medium Density Housing Code has been made in NSW which allows one and two storey dual occupancies, manor houses and terraces to be carried out under a fast track complying development approval pathway. Low rise medium density housing can only be carried out as complying development where the proposed development is already permitted under a council’s local environmental plans.

The new Code is accompanied by a Medium Density Design Guide developed in partnership with the Government Architect’s Office.

The changes start on 6 July 2018.

[To view changes, see the NSW legislation website >>](#)

Recent EDO submissions and reports

- [Draft Aboriginal Cultural Heritage Bill – EDO NSW submission \[insert link\]](#)
- [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

- [Blacktown](#): Amendment to SEPP (Sydney Region Growth Centres), Grange Avenue, Marsden Park - proposal to relocate the local park with potential to create 6 dwellings.
- [Tamworth](#): This proposal seeks to rezone land at Jewry Road and parts of the adjacent road reserves from SP3 Tourist to part B5 Business Development and part IN1 General Industrial and alter floor space ratio for part of the site.
- [Ku-ring-gai](#): Proposed additional 11 heritage conservation areas in Ku-ring-gai LEP 2015 and Ku-ring-gai LEP (Local Centres) 2012. Six are extensions to existing conservation areas in Pymble, Turramurra and Wahroonga.

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.

The NSW Government will hold a consultation workshop in Bega on 16 April.

Submissions close on 20 April 2018. We have published our submission early to assist communities who are writing submissions [insert link].

[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:

- 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:

- Camden – 1 May
- Guildford – 3 May
- Berkshire Park – 8 May
- St Marys – 14 May
- Oakville – 16 May

Submissions close on 18 May 2018.

[Read more and have your say »](#)

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- **Greenhouse and Energy Minimum Standards Air Conditioners up to 65kW**

The Energy Rating Team as part of the Department of the Environment and Energy encourages comments on various changes in the draft Greenhouse and Energy Minimum Standards (Air Conditioners up to 65kW).

Submissions close on Friday 27 April 2018.

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

- *Philothea sporadica* (Kogan waxflower) – 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

- *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 Draft Plan of Management**~~

~~The Office of Environment & Heritage is seeking feedback on the Boonalla Aboriginal Area Community Conservation Area Zone 2 Draft Plan of Management.~~

~~Submissions are invited until Friday 22 June 2018.~~

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

- [Ivanhoe Estate, Ashfield](#) - A mixed use development including residential flat buildings, seniors house, a new high school, child care centres, minor retail development and community uses.
- [Kunapipi Ski Club, Perisher Valley](#) - Internal and external alterations to existing building.
- [Kunapipi Ski Club, Perisher Valley](#) - Construction of new steel stairs.
- [Glebe Island Port](#) – Seeking approval for a bulk aggregate storage and distribution facility and concrete batching plant co-located at Glebe Island Port facility, with the capacity to manage up to 1 million tonnes of concrete aggregates per annum.
- [63-77 West Parade, West Ryde](#) - Modification to amend mix of uses and address ADG compliance.
- ['Altitude Aspire' Residential Subdivision, Terranora](#) - Revised Acoustic Report, amended Structural Systems Plan, increase in extent of bulk earthworks in a lot, amended design of central drainage corridor, construction of a roundabout, revision of proposed staging, modification to residential subdivision.
- [Belle O'Connor Street, South West Rocks](#) - Extension of approved seniors living development.

- [Ulan Coal Mine](#) - Changes to longwall panel geometry and associated minor ancillary infrastructure.
- [Picton Road, Wilton](#) - Developer monetary contribution. Submissions invited until 10 May 2018.
- [Shoalhaven Starches Plant, Bomaderry](#) - Modification to Ethanol Expansion. Proposed CO2 Plant.

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

- [Mandogalup, WA](#) - Residential development including clearing of potential foraging habitat and breeding trees of native species.
- [Mandogalup WA](#) – Proposal to clear vegetation for bushfire fuel reduction and to extend an existing sand quarry extraction operation.

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

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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