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EDO NSW EBULLETIN – 11 May 2018: Number 1055

A free weekly bulletin that includes news, policy submissions 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

Murray-Darling Basin Plan



The Darling River at Wilcannia. Photo: Ruby Davies

On Wednesday night (9 May 2018), the Australian Senate voted in support of an amendment to the Murray-Darling Basin Plan that will reduce the actual recovery volume of water for the environment by 605GL. The *Basin Plan Amendment (SDL Adjustments) Instruments 2017* provides for so called 'supply measures' which purport to deliver the same environmental outcomes as if that extra 605GL were in the river. More information about these supply measures (which form part of the 'adjustment mechanism' under the Basin Plan) can be found [here](#).

Subsequent to that vote, the *Water Amendment Bill 2018* was introduced that will allow for the Northern Basin Review amendment, which was disallowed by the Australian Senate in February 2018, to be reintroduced. This would reduce the water recovery figure in the Northern Basin by a further 70GL.

EDO NSW will publish a full analysis of these matters shortly.

Lock the Gate v NSW Government



Our case [representing Lock the Gate](#) in seeking access to documents around the secretive buy-back of the Shenhua Watermark coal exploration licence for the Liverpool Plains was in Court this week.

Before the Tribunal hearing, EDO NSW Principal Solicitor Elaine Johnson and Senior Solicitor Brendan Dobbie discussed the case in a short video made for [our Facebook page](#).

[Watch the video >>](#)

EDO NSW in the news

- [Shenhua mine classified documents centre of court case between Lock the Gate and NSW Government](#)

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

Court orders demolition of house with no DA

Warrumbungle Shire Council gave notice to a resident of rural village, Mendooran, that the dwellings she purported to erect required development approval. Warnings and advice were given but not complied with.

The Land and Environment Court ordered that the partly erected building be demolished and removed. If these orders are not complied with, Warrumbungle Shire Council may demolish and remove the building without further notice.

[Read more >>](#)

\$15,000 fine for inappropriate storage

The NSW Environment Protection Authority (EPA) has fined Australian Native Landscapes \$15,000 for the inappropriate storage of materials at its Coorangbong composting facility.

EPA officers found above-ground tanks containing oil, solvents and transmission fluids stored in the workshop without bunding or a spill containment system in place.

[Read more >>](#)

Forestry breaches at Forbes River

The EPA has issued a total of \$33,000 in fines to a private native forestry consultant, a logging contractor and two landholders for unauthorised private native forestry operations on three adjoining properties at Forbes River, west of Port Macquarie.

It was discovered that native vegetation clearing which took place between July and October 2016 had occurred well after the expiry of Private Native Forestry approvals and without a valid Forest Operation Plan.

[Read more >>](#)

Prosecutions on WestConnex-St Peters odours

The EPA has commenced proceedings in the Land and Environment Court against CPB Contractors Pty Ltd for allegedly causing offensive odours from the WestConnex St Peters M5 Interchange site on four occasions in 2017.

Between March and July 2017, the EPA received numerous complaints from members of the public in suburbs surrounding the M5 Interchange site about odour. There has already been a range of obligations imposed on CPB to address these concerns.

[Read more >>](#)

Law Reform and Policy Watch

Inquiry into Commonwealth environmental water

EDOs of Australia has made a submission to the federal House of Representatives Inquiry into the management and use of Commonwealth environmental water.

We have considerable concerns regarding the current management of environmental water. A key rationale of the Basin Plan was to restore the Murray-Darling Basin to health. Recovering water for the environment is absolutely essential as a healthy system underpins healthy regional communities and economies. Despite this imperative, the benefits of the water recovered for the environment to date have been undermined by insufficient protection of environmental flows. This relates to our overarching concern regarding the failure of the Commonwealth and certain Basin States to actively ensure we have a scientifically rigorous, risk-based approach to

the management of the Basin's variable and scarce water resources, underpinned by strong laws.

[Read more and download our submission >>](#)

Recent EDO submissions and reports

- [Inquiry into the management and use of Commonwealth environmental water](#) – EDOs of Australia submission
- [NSW Water Reform Action Plan](#) – EDO NSW submission
- [Murray-Darling Basin Plan: 5 year assessment](#) – EDOs of Australia submission
- [Draft Aboriginal Cultural Heritage Bill 2018 \(NSW\)](#) – EDO NSW submission
- [Draft Revision of the Biodiversity Conservation Strategy](#) – EDOs of Australia submission
- [NSW Regional Forests Agreements \(Renewal\)](#) – 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
- [NSW Regional Forests Agreements \(Review\)](#) – EDO NSW submission

Find all our law reform submissions and briefing papers [on our website](#).

Local Environmental Plan tracking

- *No New LEP Proposals have been listed 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 – 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

- **Sydney Football Stadium**

Community information sessions on the proposed demolition and rebuild of Sydney Football Stadium at Moore Park.

Another session will take place on Saturday 12 May.

[Read more and have your say >>](#)

- **Review of Carbon Credits Methodology**

The Emissions Reduction Assurance Committee is holding a full review of the Landfill Gas Method to investigate whether it complies with the six offsets integrity standards set out in section 133(1) of the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

Public consultation is open until 5 June 2018.

[Read more and have your say >>](#)

- **Farmer interaction with Environment Protection and Biodiversity Conservation Act 1999**

Independent reviewer Dr Wendy Craik is undertaking a short-term targeted review on how farmers can meet the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. Written submissions from farmers and interested stakeholders can be made until 15 June 2018.

[Read more and have your say >>](#)

- **Nomination for State Heritage Register**

Calga Aboriginal Cultural Landscape is under consideration for listing on the NSW State Heritage Register. Submissions can be made until 15 May 2018.

[Read more and have your say >>](#)

- **Murray-Darling Basin Royal Commission**

The Commission is holding community consultations and conducting site visits across the Basin.

- Moree 17 May
- Broken Hill 23 May

[Read more and have your say >>](#)

- **Yarranabbe Park, Darling Point**

An upgrade is proposed to this park on Sydney Harbour. Woollahra Council proposes more bench seating and lighting, a wider pedestrian promenade, 6m wide water access stairs which can be a launchplace for small watercraft.

Feedback is sought until 7 June 2018.

[Read more and have your say >>](#)

Threatened Species and Endangered Ecological Community Listings

- [Dasycerus Cristicauda \(Crest-tailed mulgara\)](#) – Invitation to provide views about the eligibility of this species for deletion from the EPBC Act threatened species list and the necessary conservation actions for the species.
- [Pseudantechinus mimulus \(Carpentarian antechinus\)](#) – Invitation to comment on the eligibility of this species for deletion from the EPBC Act threatened species list, and the necessary conservation actions for the species.
- [Mesembriomys macrurus \(golden backed tree rat\)](#) – Invitation to provide views about the eligibility of this species for deletion from the EPBC Act threatened species list and the necessary conservation actions for the species.

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

- [Northern Territory Coastal Line Fishery](#) – The application has been prepared to address Australian Government ‘Guidelines for the ecologically sustainable management of fisheries – 2nd edition’. The call for public comments is open until 12 June 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

- *No new Plans of Management listed since the last eBulletin.*

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

- [Picton High School](#) – Redevelopment including demolition and construction.
- [Penshurst Public School](#) – Demolition of all existing structures and construction of a new establishment to accommodate approximately 1,010 primary school students and 59 staff.
- [Athol Lodge Thredbo](#) – Provision of car parking spaces.

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

- [Pilbara NT](#): Expansion of lithium mine. Extensions to Cassiterite Pit and associated waste rock landforms as well as construction and operation of infrastructure to support mining operations. Clearing of 560ha.

- [Kingfisher Bay resort, Qld](#): Installation of a telecommunications facility – invitation for public comment by 21 May after the Minister for the Environment and Energy received a request to reconsider previous decision under the EPBC Act.
- [Darwin Harbour, NT](#): Commercial development of ship lift, repair and maintenance facility, involving dredging and construction over 17ha.

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

Including Health in Land-Use Planning Policy-Making: People, Ideas, Systems and Politics

Dr Patrick Harris of the Menzies Centre for Health Policy will present a lunchtime seminar on a four year research program investigating the inclusion of health at multiple levels of the NSW land use planning system: legislative reform, strategic city planning, and environmental assessments of mega-infrastructure (transport and mining) projects.

When: Tuesday 22 May 12noon – 1:00pm

Where: Seminar Room Level 6 Charles Perkins Centre, University of Sydney

[Find out 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 »](#)

Just Futures – National Community Legal Centres conference

Explore and develop a shared vision for the community legal sector, the justice system and our communities beyond 2020.

When: Tuesday 28 – Thursday 30 August 2018

Where: SMC Conference and Function Centre, 66 Goulburn St, Sydney

[Find out more >>](#)

Professional Obligations in an Age of Climate Change

Is it possible to be an ethical professional while also providing advice that supports fossil fuel companies? How are professional standards and codes of ethics shifting in response to the catastrophic threat posed by climate change? How have certain professionals been implicated in perpetuating and legitimising environmentally destructive acts?

This outstanding panel convened by the Sydney Environment Institute will consider these and other profound questions facing all professionals in the age of global warming.

When: Monday 24 September 2018

Where: Law School Foyer, Sydney University

[Find out 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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