



The EDO (ACT) newsletter is designed to provide information on what's happening in environmental law in the ACT and throughout Australia.

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ACT News

Latham Group Centre proposed redevelopment

A proposed redevelopment at the former Latham shopping centre block highlights changes to the planning laws which came into effect last year. The new laws mean that even if a proposed development is not notified as required by the legislation, any subsequent development approval is not invalidated by the inadequate notification.

In Latham a proposal to vary the current lease for a block of land in the Latham group centre to allow the land to be used for residential use was advertised. However the notification of the proposal failed to notify that in addition to a lease variation the development proposed to demolish all buildings on the site and to construct 13 multi storey apartments.

If the notification of a proposal does not fully describe a proposal this can significantly affect a person's decision whether to put in a submission or not. This in turn can affect a person's right to seek review of any decision to approve a development, which relies on a person having made a submission.

The former Land Act provided a much more limited invalidation provision. Only if the sign on the land notifying of the proposal was not properly erected did the Act provide that this would not invalidate any subsequent approval.

EDO has been providing advice to residents in relation to this matter.

Changes to Planning Regulations allow single dwellings and school related structures to be built without development approval

Changes to planning regulations mean that single dwellings that are to be demolished, rebuilt or extended no longer need development approval, as long as the development meets the requirements under the Single Housing Development Code. Prior to these amendments single dwellings in new estates were exempt from development approval requirements. This has now been extended to exempt single dwelling developments in all residential zones.

Certain school related developments can also be built without development approval as a result of amendments to the planning regulations. These amendments were made in response to the Federal Government's stimulus package to facilitate building activities at schools.

These amendments do not affect any requirements to get building approvals.

EDO has provided advice to members of the community in relation to the application of

these exemptions to proposed school developments.

Canberra Airport Expansion

The Federal Minister for Infrastructure and Transport, the Hon. Anthony Albanese MP, must soon make a decision on Canberra Airport's 2009 preliminary Draft Master Plan, which includes plans for a 24-hour freight and passenger hub.

Airservices Australia has released its Canberra Quarterly Report (January to March 2009) for the Noise and Flight Path Monitoring System. This includes the first reports from the Hackett Noise monitor established in response to community concerns about noise associated with the proposed expansion.

Curfew4Canberra has indicated that this report shows that aircraft noise is experienced in north Canberra at levels that will disturb sleep and shows that aircraft noise is not contained in the High Noise Corridor.

The Airservices Australia quarterly report is available at:

www.airservicesaustralia.com/projectsservices/reports/nfpms/nfpmscanberra.asp

Further information is available at the Curfew4Canberra website at:

<http://www.curfew4canberra.org.au/>

Molonglo Valley – exemptions from Environmental Impact statement

The Minister for Planning has exempt some of the initial land release areas in the Molonglo Valley from requiring a full environmental impact statement.

Under planning legislation the Minister can only exempt development from EIS requirements if satisfied that the environmental impacts of the development proposal has already been sufficiently addressed by another study. A report on the EIS exemption is available at ACTPLA's website at:

http://www.actpla.act.gov.au/topics/significant_projects/planning_studies/molonglo_planning_study

A strategic assessment under the Commonwealth environment legislation, the *Environment Protection and Biodiversity Act 1999* is currently being undertaken for the Molonglo and North Weston structure plan. It is anticipated that a draft report will shortly be released for public comment.

Further information on the strategic assessment process is available at the Commonwealth Department of Environment website at:

<http://www.environment.gov.au/epbc/assessments/strategic.html>

News From Around Australia

Federal Renewable Energy Target Legislation passed

Federal Parliament has passed the renewable energy target legislation. The legislation sets a renewable energy target of 20% by 2020. This means that 20% of Australia's electricity will have to be generated from renewable energy sources by 2020.

A copy of ANEDO's submission on the draft legislation is available at:

<http://www.edo.org.au/policy/090219ret.pdf>

Further information is available at the Department of Climate Change website at:

<http://www.climatechange.gov.au/renewabletarget/legislation.html>

Final approval for Gorgon Gas Development on Barrow Island

The controversial Gorgon gas development on Barrow Island has been approved by the Federal Environment Minister Peter Garrett subject to a number of conditions. The development had earlier been approved by Western Australian Environment Minister Donna Faragher.

The Minister's approval follows on from a recent agreement between Gorgon's joint venture partners for the sale of \$50 billion of liquefied natural gas from Australia to China.

Barrow Island is home to a number of rare, endangered and endemic species including the threatened flatback turtle. The island is also surrounded by significant coral reefs.

The Gorgon partners are expected to make a final investment decision by the end of September.

New web portal on energy efficiency

The Federal Government has developed a new web portal LivingGreener.gov.au which is designed to boost householder efforts to save energy, water and reduce waste.

LivingGreener.gov.au includes practical information and tools on how householders can live more sustainably, save money and help the environment.

It also includes information about Government programs and financial assistance to support households to improve their energy efficiency.

The portal is at:

<http://www.livinggreener.gov.au/>

Climate Change Risks for World Heritage Properties

The Commonwealth Department of Environment has recently released a report on the implications of climate change for Australian world heritage properties. The report has found that seventeen of Australia's iconic World Heritage properties will experience increased risks from climate change.

Natural sites including the Great Barrier Reef, Kakadu National Park, Lord Howe Island Group, the Tasmanian Wilderness and the Greater Blue Mountains Area are identified as particularly vulnerable to the effects of climate change, as is the Sydney Opera House.

These effects include reduced rainfall, higher sea and land surface temperatures, more severe storm events, ocean acidification and rising sea levels.

The report is available at:

<http://www.environment.gov.au/heritage/publications/climatechange/>

Federal Court access to justice reforms

The Federal Government has recently introduced legislation into Parliament that aims to reduce the cost of litigation and minimise unnecessary court delays in the Federal Court. The Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 introduces targeted reforms to ensure people are able to resolve their disputes quickly, effectively and fairly. The Bill's key reforms include:

- introducing an overarching obligation to facilitate the just resolution of disputes as quickly, inexpensively and efficiently as possible;
- providing powers to impose cost penalties on parties and their lawyers who fail to comply with this duty;
- clarifying directions the Court can make to control the progress and conduct of legal proceedings; and
- streamlining appeal pathways to reduce confusion for litigants and ensure the best management of Court resources.

A copy of the Bill and associated material is available at the Commonwealth Parliament

website at:

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;db=;group=;holdingType=;id=;orderBy=priority,title;page=;query=Dataset%3AbillsCurBef%20SearchCategory_Phrase%3A%22bills%20and%20legislation%22%20Dataset_Phrase%3A%22billhome%22;querytype=;rec=1;resCount=

Management of Water Resources

The National Water Commission has recently reviewed and updated an online water governance resource which is designed to make it easier to understand how water is managed in Australia and by whom.

Diagrams and accompanying text explain the key water-management institutions (who is responsible) and legislative and administrative arrangements (how it is done) for each Australian state and territory.

The online directory also describes national and cross-border water governance arrangements.

It is available at the National Water Commission website at:

<http://www.nwc.gov.au/www/html/1112-water-governance.asp?intSiteID=1>

Fraser Island receives UN biosphere protection

The Great Sandy region, which includes Fraser Island, has been declared a biosphere reserve at a UNESCO meeting in South Korea.

Biospheres are sites of significant biodiversity that are managed under strict conservation and sustainable development principles.

The Great Sandy Region is the 15th biosphere to be declared in Australia.

Further information about biosphere reserves is available at the Commonwealth Department of Environment website at:

<http://www.environment.gov.au/parks/biosphere/index.html>

Federal Government introduces Green loans

The Federal Environment Minister, Peter Garrett, has announced a green loans scheme with the introduction of low-interest \$10,000 loans available to make homes more energy and

water efficient.

The Green loans are aimed at enabling households to invest in energy efficient lighting, appliances, heating, ceiling insulation, and solar heating. The scheme also seeks to encourage simple, low-cost actions like changing light globes, sealing draughts, repairing leaking taps and installing water tanks.

Households will receive the loan from their bank, and then pay it back at a low interest rate, which is to be subsidised by the Government.

More information on the loans is available at:

<http://www.environment.gov.au/greenloans/>

New Coral Sea Conservation Zone

Federal Minister for the Environment, Peter Garrett, has announced the establishment of the Coral Sea Conservation Zone, off the north-east coast of Australia. The Coral Sea encompasses a diverse range of underwater habitats and is home to a spectacular array of wildlife, being one of the few places in the world where large pelagic fishes such as tuna and sharks have not been severely depleted.

More information on the Zone and the conservation mechanisms to be put in place is available at:

<http://www.environment.gov.au/coasts/coral-sea.html>

Current Inquiries and Opportunities for Comment

ACT

Consultation on master plans for Kingston and Dickson

The ACT Government has commenced a project to develop new master plans for the group centres of Dickson and Kingston.

There will be a number of consultation opportunities, including workshops in Dickson and Kingston as well as opportunities to have a say on the ACTPLA website.

Public consultation begins with the first Dickson workshop on **Tuesday 25 August**.

Details available at <http://www.actpla.act.gov.au/>

It is expected that the first draft master plans will be available for public comment on the ACTPLA website in late November 2009.

Public Transport Plan released for comment

The ACT Chief Minister and Minister for Transport Jon Stanhope recently released the *Strategic Public Transport Network Plan* which sets the vision for how public transport in Canberra could operate by 2031, and is designed to help the ACT meet its sustainable transport target of 16 percent of work trips on public transport by 2026.

A number of public consultation sessions have been held throughout August. The Government has indicated that amongst other things they are particularly seeking input on what level of public transport services the community expects in the future.

Community feedback on the Plan will form the basis of the ACT Public Transport Strategy which is a key part of the ACT Government's Sustainable Transport Action Plan 2010-2016.

Copies of the plan and how to provide comment on the plan are available at:

http://www.tams.act.gov.au/move/sustainable_transport_action_plan/public_transport

A sustainable transport survey to assist the Government in determining travel patterns and inform transport policy development is also available online at:

<http://www.sustainabletransport.act.gov.au/>.

EIS for Murrumbidgee to Googong Water Transfer Pipeline

ACTEW Corporation has prepared a draft Environmental Impact Statement (EIS) and Environmental Assessment (EA) for the Murrumbidgee to Googong Water Transfer

The project involves transferring water from the Murrumbidgee River through an underground pipelines to Burra Creek in NSW, which flows into Googong Reservoir.

Submissions due: **18 September 2009**

Further details and a copy of the EIS are available at the ACTPLA website:

http://www.actpla.act.gov.au/topics/your_say/comment/draft_eis/murrumbidgee_to_googong

A number of community drop in sessions are being held. Further details about these are available at the ACTEW website:

www.actew.com.au

Consultation on plastic bags

The ACT Government has recently announced that it has begun public surveys across the ACT to gather information on how plastic bags are used and to gauge opinions on a possible ban or levy. The consultation process is designed to feed into a future waste strategy for the ACT.

Telephone surveys have already commenced. There will also be the opportunity to have a say through consultation sessions taking place in shopping centres. The dates and times for these will be advertised in the local media.

Community Consultation in the ACT

The Chief Minister's Department has commissioned a project that is seeking feedback about how it might improve the way it consults and engages with the community. As part of that project an independently moderated website has been established for members of the community to offer their views on - and talk to others about - the strengths or weaknesses of any consultation processes they have been involved in, their preferred ways of being consulted, and how the ACT Government can ensure their consultation processes are as inclusive as possible. There is also the option of taking a very short, one question survey.

If you would like to participate, please visit the following site:

<<http://www.bangthetable.com/actconsultations>>

Commonwealth

Indigenous Heritage Law

A discussion paper on Australian laws to protect Indigenous heritage has been released for public comment. This is an opportunity for the public to contribute ideas on making the Commonwealth's *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) more effective as a way to protect traditional areas and objects significant to Indigenous Australians. The Australian Government is proposing to reform this Act to improve Indigenous heritage protection laws nationally.

Submissions due: by **6 November 2009**.

The Discussion Paper and details of how to make submission is available at:

<http://www.environment.gov.au/heritage/laws/indigenous/lawreform/index.html>

Litigation News

NSW EDO climate case an Australian first

A case brought by NSW EDO before the NSW Land and Environment Court will be the first in Australia to test whether state pollution laws cover the harmful impact of CO₂. EDO NSW on behalf of Peter Gray and Naomi Hodgson has commenced proceedings against Macquarie Generation seeking a declaration that the State-owned company has been negligently disposing of waste at their Bayswater Power Station by emitting carbon dioxide into the atmosphere in a manner that has harmed or is likely to harm the environment in contravention of section 115(1) of the *Protection of the Environment Operations Act 1997* (NSW). Mr Gray and Ms Hodgson also seek an injunction requiring Macquarie Generation to immediately cease disposing of waste through the emission of carbon dioxide into the atmosphere. In carrying out its electricity generation activities, Macquarie Generation has been issued with an environment protection licence which licences the company to emit certain waste but not carbon dioxide.

Bayswater Power Station, located in the Upper Hunter Valley, has the highest carbon dioxide emissions of all power stations in NSW.

Firm fined under EPBC Act for Tree Clearing

The Federal Court has imposed a \$220,000 fine on the director of a SA horticultural firm for illegally clearing native trees to grow carrots. The deliberate and unlawful clearance was "likely to have a significant impact on" the endangered south-eastern red-tailed black cockatoo, Fed Court Justice John Mansfield said in his July 17 decision. It was the second fine imposed for the offence, this time under the federal *Environment Protection and Biodiversity Act* (EPBC Act).

In Nov 2008, Rocky Lamattina & Sons Pty Ltd (RLS) and its director Rocco Lamattina were convicted and fined \$119,000 in the SA Magistrates' Court for breaching the State's *Native Vegetation Act*. They had pleaded guilty to clearing more than 270 trees, between 50-200 years old, from their freehold Acacia Downs property and leasehold areas on a nearby property in 2005.

For the full text of the judgment, please visit:

[http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2009/753.html?query=title\(Minister%20for%20Environment%20and%20the%20Arts%20v%20Lamattina%20\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2009/753.html?query=title(Minister%20for%20Environment%20and%20the%20Arts%20v%20Lamattina%20))

Trial date set for Gunns20 case

Justice Forrest of the Supreme Court of Victoria has announced the trial date for the Gunns20 case to be February 2010. Many of the original defendants have been dropped from the case. As it stands, five individuals and one organisation are being sued for activities relating to their involvement in protests opposing the Gunns pulp mill and advocating protection of Tasmania's forests.

For more information on the case history, visit <http://www.gunns20.org/>

Community Education and Events

EDO's ACT Environmental Law Handbook second edition - now available

The EDO's second edition of the ACT Environmental Law Handbook is now available following a very successful launch by the ACT Attorney-General.

The handbook provides an easy to read guide setting out the ACT environmental laws relating to planning and development, nature conservation, heritage, tree protection and climate change and sustainability and the law. It is a very useful tool for anyone interested in taking action to protect the environment in the ACT.

The Handbook is available for purchase from the EDO office at \$10 for members and \$15 for non members (plus \$10 postage. Alternatively contact our office to arrange to pick up a copy). The Handbook is also available from a number of city and university bookshops.

If you would like a copy of the handbook please contact our office on edoact@edo.org.au or 6247 9420.

Rod Quantock in Bugger the Polar Bears, This is Serious

When: Tuesday 25 - Sunday 30 August

Where: Street Theatre, Cnr Childers St & University Ave, City

Rod, as always, has done his homework. He's talked to leading climate scientists. He's read the reports and watched the documentaries. He has taken the news stories big and small and joined the dots: worst fires, longest droughts, most devastating storms, mass extinctions, ice caps melting, polar bears drowning... But, hey! Bugger the polar bears, this is serious.

Why is climate change always about polar bears? Who's their agent? It's not like they're the only ones who'll be extinct. Chances are we will all be extinct!

Check out the event flyer [here](#). For bookings, visit the Street Theatre [website](#), call 6247 1223 or drop in to the box office.

What will end Japanese whaling? – an insider's view

Hosted by Australian Greens Senator Rachel Siewert

When: 6pm, Tuesday 8 September

Where: Parliament House Theatre

In this unique presentation, Toru Suzuki, a Japanese anti-whaling activist, will provide an insight into the forces behind Japan's whaling industry.

Please RSVP by Friday, 4 September by email: whales.au@greenpeace.org

Click [here](#) for event information.

Spring Sustainability Fair

When: Sunday 20 September

Where: Banksia Street, O'Connor (site of the proposed new urban wetlands)

What: To celebrate the arrival of Spring and the proposed new O'Connor wetlands, See-Change together with ACT Urban Wetlands is inviting individuals, families, community organisations and businesses to a Sustainability Fair at the Banksia Street wetlands site. Come along for information and fun. Learn more about the wetlands, contribute ideas for the art work, mingle and meet.

Contact: For more information, or if you would like to hold a stall contact Barbara Chevalier on barbchev@gmail.com or on 6247 0537 or 0417 240 026.

Climate change adaptation information sharing forum

When: 22 September 2009

Where: Canberra

Cost: \$100 speaker; \$295 participant

The Australian Security Research Centre is holding a multi-organisation showcase of experiences, tools projects and courses from practitioners, policy makers, researchers and educators. The aim of the forum is to share information on how organisations, communities and regions are adapting to climate change. Participants will learn of experiences and developments underway across many sectors and be enabled to identify relevant information and players to build better networks and partnerships.

For more information email admin@securityresearch.org.au or contact event facilitator Athol Yates on (02) 6161 5143 or at athol.yates@homelandsecurity.org.au

Earth Jurisprudence Conference

When: Friday 16 October to Sunday 18 October 2009

Where: Woodhouse Activity Centre, The Rymill Centre, Piccadilly South Australia

Friends of the Earth Adelaide, in partnership with the University of Adelaide and the Conservation Council of South Australia will host Australia's first conference on Earth Jurisprudence. Earth Jurisprudence calls for a radical shift to our legal system, from a human-only orientation to an Earth-centred approach.

Participants will be introduced to the concepts of Earth Jurisprudence and led through a series of interactive workshops on the shortcomings of our current approach to environmental protection, viewing nature as property, connection to place and understanding nature, the relationship between Earth Jurisprudence and Indigenous law/religion, a mock trial and strategies for implementing Earth Jurisprudence in Australia.

For more information on the event, visit <http://www.adelaide.foe.org.au/>

Other News

Position vacant – Principal Solicitor EDO NQ

Environmental Defenders Office of North Queensland Inc. is seeking an experienced environmental lawyer to help defend North Queensland's Unique Environment. The position is based in Cairns, with a salary range between \$56,000 - \$58,600

Applications due by 5.00pm on **Thursday 27 August 2009**

Copies of the position description and selection criteria are available by contacting EDO-NQ on adminnq@edo.org.au or telephone on (07) 4031 4766.

Position Vacant - Legal Adviser in Kiribati

EDO NSW is seeking to recruit a Legal Advisor through AusAID's Australian Youth Ambassador For Development (AYAD) program, to be placed within the Ministry of Environment, Lands and Agricultural Development, in Kiribati.

Applications are due by **2 September**.

More details about the position, and how to apply, can be found at:

http://www.edo.org.au/edonsw/site/jobs_avad_legal_advisor090820.php

Position Vacant – administrative assistant SEE- Change

SEE-Change is a grass roots community movement that seeks to inspire, inform and support action to reduce Canberra's ecological footprint. SEE-Change is seeking an experienced administrative assistant to work from its office at Downer with its Executive Officer and the local SEE-Change groups, for three months for 25 hours weekly on diverse administrative tasks.

Salary and conditions: SACS (ACT) Award, Level 5.1. \$537.60 Weekly.

Concise applications to bobdouglas@netspeed.com.au with contact details for 2 referees by **Sunday 30 August**; interviews planned for 4 September. Enquiries to Bob Douglas on 0262533138.

JOB DESCRIPTION

1. To undertake diverse administrative tasks, including the bedding down of various administrative systems and procedures.
2. To work with the Executive Officer and SEE-Change volunteers on the development of the SEE-Change business plan, membership drive and resource mobilization activities
3. To act as the Executive Officer's personal assistant

SELECTION CRITERIA

Considerable administrative experience, with proficiency in Word, Excel, up-dating website content and general office management.

1. Self-starter, team player and able to work with limited supervision on diverse clerical and administrative tasks
2. Commitment to SEE-Change Mission
3. Demonstrated organisational skills, attention to detail and ability to determine priorities flexibly in a dynamic environment
4. Effective communication and interpersonal skills; discretion and integrity
5. Familiarity with the not-for-profit community sector. Experience working in a small community organisation and with volunteers would be highly regarded.

Call for IT Equipment donations – SEE Change

The SEE-Change office needs some additional IT equipment to support the administrative assistant. The items SEE-Change are looking for are:

1. Windows desktop PC that is up to 2 years old
2. Windows notebook that is up to 2 years old
3. LCD monitors - 17" or larger

If you have something you think might be suitable can you please provide some details about it to SEE-Change to confirm its suitability.

New environment law website

EDO Victoria has recently launched a new online resource for environmental law. It contains a broad range of information on environmental issues particularly in Victoria.

It is available at:

www.envirolaw.org.au

Calling all Photographers

The EDO is developing a portfolio of photos for use in various EDO publications (such as our quarterly newsletter, the EDO website and education material). The types of images which we are seeking are images of the local ACT environment (eg photos of the local flora and fauna as well as city scapes, images associated with renewable energy eg solar panels, tanks etc) which we could use to illustrate environmental issues.

We require digital photos to enable us to reproduce the images online.

Please contact the EDO office if you have images which the EDO would be free to use.

Appeal for one-sided used Paper – we have run out

We at the EDO use paper printed on one side for most of our printing needs. If you know anyone or you are able to supply us with any non-confidential one sided paper we could use to accommodate our printing needs we would love to hear from you on:

edoact@edo.org.au or 6247 9420.

FREE copies of the new edition of the *Rural Landholder's Guide to Environmental Law in NSW*

The new edition of the *Rural Landholder's Guide to Environmental Law in NSW*, a publication last produced by the NSW EDO in 2006, is now available for free, including postage and handling. The guide is a valuable tool in understanding the law in NSW regarding land management and explains legislation dealing with issues such as vegetation management, protected species, fire management, water management, construction and

development, pollution, agricultural chemicals, crops and stock, mining and quarrying, heritage protection, conservation on private land and trading and offsetting agreements.

To obtain your FREE copy of the guide please email education@edo.org.au or call **(02) 9262 6989**. Boxes of 160 are also available on request for groups or organisations.

Contact us

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