

Early bird expires 17 October*

NSW Planning & Environment Law Conference

Explore
major
planning
reforms

CPD points
applicable



Linking new legislation
with best practice

17-18 November 2008
Grace Hotel
Sydney

Don't miss this opportunity to:

- Contain risks associated with **contaminated land**
- Take action to avoid doubt on the **extensive planning reforms**
- Reduce exposure to **unexpected triggers for liability**
- Advise on **contamination issues** previously unregulated
- **Draft retainer agreements** allocating risk and liability for environmental reports
- Minimise risks by contracting to **accommodate rising sea levels**

Register Today! Ph: 1800 772 772
or visit www.lexisnexis.com.au/pd

Hear authoritative presentations by experts including:

Commissioner Jan Murrell,
Land and Environment Court

Simon Harrison, Partner, **Herbert Geer**

Michael Astill, Partner, **Blake Dawson**

Felicity Rourke, Partner, **Deacons**

Peter Briggs, Partner, **Clayton Utz**

Jim Parker, Partner, **Allens Arthur Robinson**

Megan Hawley, Senior Associate, **Lindsay Taylor Lawyers**

Nicole Harris, Senior Associate, **Wallmans Lawyers**

Eric Coonan, Senior Associate, **Deacons**

Product of:



LexisNexis
Professional Development

Day One: Monday 17 November 2008

- 8.30 **Conference registration**
- 8.50 **Opening remarks from the Chairperson**
Simon Harrison, Partner, Herbert Geer
- 9.00 **Raising the bar of obligations for ground breaking developments with the Contamination Act reform**
- Where from and where to with an overview of reform of contaminated land management legislation
 - Looking at how the imposition of management or clean up orders are likely to be used
 - Advising on how responsibility and accountability have been incorporated into the legislation
 - Drilling down to the implications of the reforms for landowners, developers and public authorities.
- Megan Hawley, Senior Associate, Lindsay Taylor Lawyers*
- 10.00 **Drafting an application involving contaminated land**
- Knowing what the new powers of the EPA are concerning thresholds and the provision of reports
 - What the new positive test is for reporting risk, how it differs from the previous benchmarks
 - When the new ability to order preliminary investigations to determine risk are likely to be triggered
 - How new regulations enable compensation to be paid to people affected by contaminated ground water
- 11.00 **Morning tea**
- 11.20 **Considering contamination reform specifically applicable to Underground Petroleum Storage Systems**
- Overview of how, until now, underground petroleum storage systems have gone undetected by law
 - What is required by the Protection of the Environment Operations (Underground Petroleum Storage Systems)
 - Regulation 2008, which commenced on 1 June 2008
 - Who is responsible for a UPSS and what obligations exist which have never existed before
 - What is an appropriate system for detecting and monitoring leaks
 - How an Environmental Protection Plan for an existing UPSS differs from pollution control equipment required for new facilities
 - How to operate under the Exemption Plan and what to advise on the managing of existing UPSS
 - What to be aware of for clients with service stations, fuel terminals and depots, commercial and industrial premises, local council depots, airports and marinas
- 12.20 **Networking lunch for speakers and delegates**
- 1.30 **Doing away with papers and discussion; getting a practical insight on the Carbon Emissions Trading Scheme**
- Carbon Pollution Reduction Scheme - overview and implications for industry;
 - *National Greenhouse and Energy Reporting Act* - who does it apply to and what does it mean for industry; and
- Felicity Rourke, Partner, and Eric Coonan, Senior Associate, Deacons*

2.30 **Your essential case law update and analysis**

Blue Wedges and Port Phillip Bay in the Federal Court

- What is highlighted by the awarding of costs against Blue Wedges in its case against Environment Minister Peter Garrett
- How the anti-dredging group Blue Wedges presented the case against the channel deepening of Port Phillip Bay
- What the messages are for where a business case for project approval loses ground
- What water quality testing for toxicity means for the role of consultants in applications

Fighting the big Gunns in Tasmania

- What is highlighted about economic interests in the decision by Federal Environment Minister Malcolm Turnbull to approve the Tamar Valley pulp mill by Gunns Ltd
- Pointing out the signs for when acquisition and source reduction may not be clear cut
- Looking at how emerging environmental policy compares with the approach taken to regulating behaviour in Tasmania

Conducting litigation in the Federal Court as in the case of Anvil Mines

- What was the matter with environmental sustainability in this case
- Assessing the significance or substantiality of an impact when the EPBC Act does not prescribe a frame of reference to which the Minister can refer
- How submissions were made on irreparable harm and climate change
- Applying the approach given to greenhouse gases arising from the proposed action

CASE LAW UPDATE

3.30 **Afternoon tea**

3.45 Land and Environment Court Commissioner Jan Murrell on what 2008 means for 2009 and beyond

- Looking back at hearings in 2008 and seeing the common threads
- Choosing the appropriate path to resolve development appeals to the Court
- Keeping it proportional and conciliating under Section 34
- Recent planning changes - certainty or confusion?

Commissioner Jan Murrell, Land and Environment Court

4.30 **Close of day one**

Who should attend?

- **Practice groups in:**
 - Planning & Environment
 - Property
 - Energy
 - Construction, and
 - Development
- **Local Government and departmental staff**

Day Two: Tuesday 18 November 2008

8.30 **Conference registration**

8.50 **Opening remarks from the Chairperson**

Simon Harrison, Partner, Herbert Geer

9.00 **Balancing the risks associated with paying for restoration vs designing to accommodate rising sea levels**

- What rising sea levels mean for the 80% of Australian who live in coastal zones
- How the courts have approached the issue in 2008 hallmark cases, including Walker – NSW – Part 3A
- Identifying the warning bells for costs and liability concerning planning, approval, development and infrastructure
- Working backwards from projections and advising on liability in the design process now

Peter Briggs, Partner, Clayton Utz

10.00 **Supporting applications for coastal development**

- Reducing the time taken for assessment by incorporating likely conditions for approval in the original application
- Reviewing the directions provided by the Land & Environment Court and anticipating the potential grounds for challenging refusal
- Being alive to the litigious nature of climate change and providing prospects advice for applications for coastal development with regard to sea levels

Jim Parker, Partner, Allens Arthur Robinson

11.00 **Morning tea**

11.20 **Getting up to speed with the Reforms made to the NSW Environmental Planning & Assessment Act (Act)**

- Walking through the major developments with Part 3A and the creation of a Planning Assessment Commission
- How to best work with Joint Regional Planning Panels rather than Councils when obtaining consent authorities
- How to approach compliance issues with the new development codes for residential, commercial and industrial development
- Laying out the entirely new Part 9 disclosure obligations: what the technical changes to developer contributions mean for practical matter management with documenting deals and declaring donations
- Advice on negotiating with Planning Arbitrators before commencing an appeal in the Court.

Michael Astill, Partner, Blake Dawson

12.20 **Networking lunch for speaker and delegates**

1.40 **Looking to the experiences in South Australia and further reforms to the South Australian system**

- The South Australian experience with the independent Development Assessment Commission and Council Development Assessment Panels
- Looking at the proposed greater powers for the Minister to 'call-in' developments which affect the economic, social or environmental interests of the State or regions
- Road testing a Residential Code to streamline development assessment processes

Nicole Harris, Senior Associate, Wallmans Lawyers

2.30 **Avoiding the new fines of up to \$100,000 for certification of building works**

- Knowing what needs to be certified, by whom and how new requirements differ from prior practice
- Avoiding penalties for non-compliant building work by coordinating construction certificates and certifiers
- Advising on how certifiers are restricted from issuing subdivision certificates associated with Environmental Planning Instruments (LEPs and SEPPs)
- Linking insurance and final certification procedures with the ten-year limitation period in which any proceedings can be brought and knowing the exemptions

3.30 **Afternoon tea**

3.45 **Planning & environment considerations experienced by Herbert Geer in Major Infrastructure Projects**

- Linking legislative provision and practical experience with what Part 3 (A) means for lawyers and business clients
- Looking forward to how the Planning Reforms of 2008 are likely to be experienced when they are put to ground
- Having regard to the developments in planning and environment case law and linking climate change with Major Infrastructure Projects

Robert Wilcher, Partner, Herbert Geer

4.30 **Close of conference**

Future events:

Retirement Village Law Intensive - NSW/QLD
22 October, Grace Hotel, Sydney

Climate Change Series - Carbon Trading Forum
17-18 November, Crowne Plaza, Sydney

Conveyancing & Property Law Toolkit - Sydney, Brisbane, Melbourne, Perth
Sydney: 28 October, 10 November, 1 December

Australian Corporate Lawyers Association 14th Annual National Conference 2008
6-7 November, Hilton Hotel, Sydney

For a conference program or to register please phone: 1800 772 772 or visit www.lexisnexis.com.au/pd

Priority registration form NSW Planning & Environment Law Conference

**4 easy ways
to register**

Phone: 1800 772 772
Fax: (02) 9422 2338
Online: www.lexisnexis.com.au/pd
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067

Please complete sections A, B, C, D

Conference code: PD7018 ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____
Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____

Position: _____
First name Last name

Telephone: _____

Fax: _____

Email (required**): _____

** to send conference confirmation

B Please tick as many practice areas you work in which apply:

- | | |
|---|---|
| <input type="checkbox"/> Banking & finance | <input type="checkbox"/> Family law |
| <input type="checkbox"/> Commercial litigation & ADR | <input type="checkbox"/> Insolvency & restructuring |
| <input type="checkbox"/> Corporate and commercial law | <input type="checkbox"/> Insurance and risk |
| <input type="checkbox"/> Criminal law | <input type="checkbox"/> Property |
| <input type="checkbox"/> Energy and resources | <input type="checkbox"/> Wills & estates |
| <input type="checkbox"/> Environment and planning | <input type="checkbox"/> Workplace relations, employment & safety |
| | <input type="checkbox"/> Other: _____ |

This will help us keep you informed about topics relevant to your business needs.

TEAM DISCOUNTS*

- Register a team of 2 to the conference at the same time, from the same organisation and receive a free pass for the 3rd delegate.*

* Early Bird, team discounts and any other discount cannot be taken concurrently

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the Planning & Environment Conference \$300.00 + GST = \$330.00

C Event Pricing (please tick your selection)

Early Bird Special* (register & pay before 17 October 2008)

- | | |
|--|-----------------------|
| <input type="checkbox"/> Two Day Conference | \$1850 + GST = \$2035 |
| <input type="checkbox"/> One Day Conference# | \$950 + GST = \$1045 |

Standard Price (register & pay after 17 October 2008)

- | | |
|--|-----------------------|
| <input type="checkbox"/> Two Day Conference | \$1950 + GST = \$2145 |
| <input type="checkbox"/> One Day Conference# | \$1050 + GST = \$1155 |

I would like to attend Day1 Day 2

D Payment details Payment is due upon registration

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

- Pay by credit card: Please charge \$ _____ to

- Mastercard Visa American Express

Card number: _____/_____/_____/_____

Expiry: ____/____

Name of cardholder: _____

Signature of cardholder: _____

- Charge to my LexisNexis account: \$ _____

Account number: _____

Signature: _____

Name of approving manager: _____

Register 2 and 3rd attends FREE!

Register a team of 2 for the Planning & Environment Law Conference at the same time, from the same organisation and receive a free pass for the 3rd delegate.

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing up to but not including 1 month prior to the date of the event. If we receive written notification – any time up to but not including 2 weeks prior to the date of the event, you will receive a 50% refund & seminar documents. No cancellation requests will be accepted during the period 2 weeks prior to the event. You may nominate a replacement, however no refund will be issued.

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- Tick here if you DO NOT wish to receive information about upcoming events