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EDO NSW EBULLETIN – 15 January 2016: Number 940

The EDO NSW eBulletin is a free weekly bulletin that includes news, events, public notices and opportunities for public comment listed in our online resource [Have Your Say](#).

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New case: 4Nature v Springvale Coal

On behalf of 4nature Inc, we've launched legal action challenging the approval of an extension to the Springvale coal mine in the Blue Mountains. The approval will allow the discharge of large amounts of polluted water into the river system that forms part of Sydney's drinking water catchment.

Projects within the catchment can only be approved if the consent authority is satisfied that they will have a neutral or beneficial effect on the catchment's water. 4nature argues that there's no evidence the PAC was satisfied of this when approving the project.

[Read more »](#)



Image: The Coxs River, David Noble

Case win: Petroleum exploration documents released for public scrutiny

Late last year we had one last win for 2015. Our client, IFAW (International Fund for Animal Welfare), was given access to documents about seismic exploration in blue whale feeding grounds near Kangaroo Island, off South Australia.

Bight Petroleum had objected to IFAW's request to release the documents, and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) also initially refused to release its own assessments. NOPSEMA agreed to release the documents after IFAW's appeal to the Administrative Appeals Tribunal.

This victory is recognition that the public has a right to know about how NOPSEMA makes its decisions and the likely impacts of petroleum exploration on our most valuable ecosystems.

[Read more »](#)

10 ways to get more involved in 2016

You're a valued eBulletin subscriber, but have you considered other ways to get more involved in our work defending the environment through law?

We've got ten great ideas to suit any level of interest. Check them out at our website.

[Read more »](#)

Welcome to our new look

You may have noticed our new simplified eBulletin. We hope the new look makes it quicker for you to find what you're after. If you'd like to give us some feedback on the eBulletin or if you notice anything that doesn't look right, please don't hesitate to email us at education@edonsw.org.au.

We look forward to bringing you the latest environmental law news – and hopefully more wins – in 2016.

Court and Compliance Watch

Water Run-off from Leewood Wastewater Treatment Facility

Run-off from Leewood Wastewater Treatment facility near the Pilliga has been discovered. The facility's operator Santos is required to submit an incident report to the EPA and has been requested to provide its Sediment and Erosion Control Plan to the EPA for review. The EPA will then inspect the site to assess the adequacy of control measures and decide whether to take further regulatory action.

[Read more »](#)

Bulk liquid fuel storage terminal operator fined for breaches of licence conditions

The EPA has fined Stolthaven Australia Pty Ltd \$30,000 for twice breaching the conditions of its Environment Protection Licence at the company's bulk liquid fuel storage terminal in Mayfield. On two separate occasions in 2014 and 2015, the volume of diesel and biodiesel petroleum products imported, stored and despatched at the Mayfield Fuel Terminal exceeded the limits set in the licence.

[Read more »](#)

EPA investigating incident at Coal mine

The EPA is investigating an incident at the Wambo Coal Mine at Warkworth in the Hunter Valley which resulted in a portion of the dam wall collapsing and discharging sediment-laden rainwater into the surrounding environment. Wambo Coal reported the incident to the EPA on Monday evening. The EPA has expressed concerns that it took nearly a week for mine personnel to discover the problem and report it, and will be carrying out investigating the incident.

[Read more »](#)

Smelter fined for exceeding concentration limits for zinc

The EPA has issued the Pasminco Cockle Creek Smelter Pty Ltd with two fines and an official caution for exceeding its licensed concentration limit for zinc over two periods in March 2014. On these two occasions, the concentration of zinc within the

discharges from the onsite water treatment plant into nearby Cockle Creek exceeded the licensed concentration limit.

[Read more »](#)

Law Reform and Policy Watch

Strategic release framework for petroleum or coal exploration

The NSW Department of Industry Division of Resources and Energy has released a new Strategic Release framework for petroleum or coal exploration which creates a single framework for the management of NSW coal and petroleum resources.

[Read more »](#)

National Principles for Environmental Information

The Australian Government has released new National Principles for Environmental Information. The Principles are part of the Government's [National Plan for Environmental Information](#), which is designed to improve the accessibility of environmental information to governments, businesses and communities.

[Read more »](#)

Meeting of Environment Ministers, December 2015

Australia's Environment Ministers meet periodically to progress national policy issues. Key decisions at the December meeting included:

- Endorsing a **National Clean Air Agreement** following public consultation in 2015 ([read our submission](#)).
- Agreeing a **Common Assessment Method for listing threatened species** and ecological communities, with ACT, WA and Victoria agreeing to sign up.
- Convening a ministerial roundtable in February 2016 on reducing the impact of **plastic shopping bags**.
- Undertaking further work on a voluntary agreement to phase out **plastic microbeads** in personal and cleaning products by July 2018.
- Agreeing that Victoria will lead work on a **Climate Change Adaptation working group**.
- Agreeing that SA will lead work on a **Climate Change and Energy working group** (including renewables).

[Read more »](#)

Recent EDO NSW submissions and briefing notes

- [Commonwealth On-Farm Further Irrigation Efficiency Program \(COFFIE Program\)](#), EDO NSW submission
- [Northern Councils E Zone Review Final Recommendations Report](#), EDO NSW briefing note
- [NSW Travelling Stock Reserves State Planning Framework 2016-19](#), EDO NSW submission
- [Draft Exploration Code of Practice](#), EDO NSW submission
- [Guidelines for the Economic Assessment of Mining & Coal Seam Gas Proposals](#), EDO NSW submission
- [Local Land Services Draft State and Local Strategic Plans](#), EDO NSW submission
- [Draft Industrial Noise Guideline](#), EDO NSW submission
- [Strategic Release Framework for Coal and Petroleum Exploration](#), EDO NSW submission

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

New legislation introduced to Parliament

[Australian Parliament](#)

- *No new relevant Bills have been introduced since the last eBulletin.*

[NSW Parliament](#)

- *No new relevant Bills have been introduced since the last eBulletin.*

Local Environmental Plan tracking

- [Parramatta](#) – Rezone and reclassify land in Toongabbie
- [Dubbo](#) – Amendment of controls relating to secondary dwellings
- [Parramatta](#) – Rezone and reclassify land in Parramatta
- [Canterbury](#) – Rectify mapping anomalies, errors and Heritage Schedule
- [Parramatta](#) – Rezone and reclassify land in Merrylands

To access the LEP tracking system, visit the Department of Planning and Environment [website](#). 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

This eBulletin provides 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](#).

This online resource [also helps the community to effectively engage](#) with decision-makers and [request a workshop](#) for your community. We are always trying to improve our community resources and are currently seeking feedback on the effectiveness of Have Your Say. You can help us out by [checking out the site](#) and [completing a short three-question survey](#).

Consultations

- **National Standard for Environmental Risk Management of Industrial Chemicals**

The Environment Ministers of each state and the Commonwealth have agreed to implement a uniform National Standard for the environmental risk management of industrial chemicals. The Commonwealth seeks submissions on how these standards should be developed.

The Australian Government has released an information paper that provides an overview of the proposed design of the National Standard.

Submissions are invited until Friday 5 February 2016.

[Read more and have your say »](#)

- **NSW container deposit scheme discussion paper**

The NSW Government is inviting public comments on developing a container deposit scheme for NSW. Container deposit schemes use rewards to encourage people to return their drink containers to a collection point. They reward environmentally responsible behaviour, reduce drink container pollution and increase recycling.

The Government has released a discussion paper that outlines the key elements of a scheme and presents two possible models.

Submissions are invited until Friday 26 February 2016.

[Read more and have your say »](#)

- **Threatened Species Listing Consultations**

- [Victorian Scallop \(Ocean\) Fishery](#) – The Victorian Scallop (Ocean) Fishery is due for assessment for ongoing export accreditation under the *Environment Protection and Biodiversity Conservation Act 1999* – Submissions are invited until Friday 29 January 2016

For a full listing of threatened species 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 fisheries assessments 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](#).

Legislative reviews

- *No new legislative reviews have been announced since the last eBulletin.*

Major Project proposals: Invitation to comment

- [Glen Innes](#) – White Rock Wind Farm Project Application Modification – Submissions invited until Tuesday 2 February 2016
- [Minchinbury](#) – Proposed Planning Agreement for Minchinbury Employment Park – Submissions invited until Monday 29 February 2016
- [Eveleigh](#) – Australian Technology Park Redevelopment – Submissions invited until Monday 29 February 2016
- [Manly](#) – Modification to Quarantine Station development – Submissions invited until Friday 29 January 2016

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

- [Albany, WA](#) – Bayonet Head Development Area – Submissions invited until Thursday 28 January 2016
- [Ipswich, QLD](#) – Deebing Heights Residential Development – Submissions invited until Friday 22 January 2016
- [Carramar, WA](#) – Duplication of Arterial Road – Submissions invited until Thursday 21 January 2016

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](#).

Plans of Management: Invitation to comment

- *No new Plans of Management have been placed on exhibition 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](#).

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](#). 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

Conference: The Legal Implications of the Paris Agreement

This conference, presented by the Australian Centre for Climate and Environmental Law (ACCEL), will explore the implications of the 'Paris Agreement', which resulted from the Twenty First Conference of the Parties under the *United Nations Convention on Climate Change*.

The conference will showcase three keynote speakers who will be visitors to ACCEL in 2016: Professor Richard Stewart (NYU School of Law); Professor Jonathan Verschuuren (Tilburg Law School); and Advocate Mr Roger Cox who mounted the litigation in *Urgenda Foundation v The State of the Netherlands*.

When: Thursday, 11 February 2016, 9am to 3pm

Where: Sydney Law School, New Law Building (F10), Eastern Avenue, University of Sydney

[Read more »](#)

Mahla Pearlman Oration 2016

This year's Oration, *Addressing Climate Injustice: Human Rights and Climate Change in the Courts*, will be delivered by Professor Jacqueline Peel, University of Melbourne.

The Mahla Pearlman Award for the Australian Young Environmental Lawyer of the Year Award will also be presented at the Oration.

When: Thursday, 10 March 2016, 5 to 7pm

Where: Commonwealth Law Courts Building, Queens Square, Sydney

[Read more »](#)

Call for papers: Administrative Law – Making a Difference

AIAL is calling for papers for the 2016 National Administrative Law Conference *Administrative Law – Making a Difference*. This theme raises a number of questions about how administrative law actually makes a difference – for agencies, for individuals, and for the wider community – and how do we know and measure its impact?

The Conference will be held from Thursday 21 to Friday 22 July 2016 at the Royal International Convention Centre, Bowen Hills, Brisbane.

[Read more »](#)

Indigenous Peoples and Saltwater/Freshwater Governance for a Sustainable Future

This workshop will bring together scholars and community practitioners to discuss the environmental governance of marine and freshwater areas by and from the perspective of Indigenous peoples.

When: 11-12 February 2016

Where: University of Tasmania, Hobart

[Read more »](#)

Support EDO NSW

Take action

By donating to EDO NSW you are ensuring the environment has a fighting chance.

[Donate today »](#)

Other ways you can help us defend the environment

By donating to our [Environmental Defence Fund](#), you can help us continue to protect the environment from harm.

You can have an even greater impact by becoming a [Friend of the EDO](#). Our regular donors are an invaluable source of funding and help us ensure we are ready to respond when the community needs our help.

Visit [our website](#) for even more ways to support our work.

Environmental Defender

Read more about how your support can help protect the environment in the October edition of our supporter newsletter, [Environmental Defender](#).

EDO NSW has been providing critical legal support to NSW communities for 30 years. We are the only legal centre in NSW specialising in public interest environmental issues.

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