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EDO NSW EBULLETIN – 9 September 2016: Number 974

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: Quipolly Water Action Group v NSW Department of Primary Industries Water

We're acting on behalf of community group Quipolly Water Action Group against a NSW Department of Primary Industries decision to refuse to release documents about the regulation of groundwater at the Werris Creek coal mine. The mine is located in north-west New South Wales near the Liverpool Plains and is owned by Whitehaven Coal.

If we win this case, the community will gain insight into how DPI Water is regulating the impacts of this and other coal mines in NSW.

[Read more »](#)



A dried up section of Quipolly Creek near the Werris Creek coal mine

Court dates set for gas field case

Court dates have been set for our case on behalf of Western Downs Alliance, who is challenging a decision by the Federal Minister for the Environment to approve the Santos GLNG Gas Field Development Project in Queensland.

A directions hearing has been scheduled for Wednesday 23 November, in Sydney. The final hearing is scheduled for Monday 13 February 2017, before a Full Bench of 3 judges of the Federal Court in Brisbane.

[Read more about the case »](#)

EDOs of Australia at IUCN

Last week Sue Higginson was beamed in via video to the IUCN World Conservation Congress in Hawai'i to tell our international colleagues about the work EDOs of Australia are doing to enforce environmental laws and protect the environment. If you 'd like to see what Sue said, [view the video online](#).

IUCN, the International Union for Conservation of Nature and Natural Resources, is the world's largest and most diverse environmental network.

The tweet below from the Australian Committee of IUCN shows Sue's video being played to delegates.



ACIUCN @aciucn · Sep 4

Excellent work by EDO NSW to ensure strong env'r'l laws in Australia @EDONSW @iucn_wcel #IUCNCongress



Land Advocacy Legal Support Unit Lawyer, Solomon Islands

Are you a lawyer with a keen interest in land and environmental issues? Would you like to volunteer in the Solomon Islands for 11 months?

Our partner the Public Solicitor's Office in Honiara, the Solomon Islands, is looking for a volunteer lawyer to help them improve enforcement of environmental law in the Solomon Islands through capacity building and mentoring.

The placement is part of the Australian Government's Australian Volunteers for International Development program.

[Read more and apply »](#)

Sonic Sea – Please join us for a film screening and Q&A

You're invited to a screening of the film [Sonic Sea](#), followed by a Q&A session, on Tuesday 11 October at the Dendy cinema in Newtown, Sydney.

Sonic Sea is a documentary about the impact of industrial and military noise on whales and other marine life. The film examines one of the latest threats to our marine environment and the species that depend on it, an issue highlighted in Australia by recent work done by EDO NSW. The screening will be followed by a Q&A with our CEO, Solicitor Sue Higginson and our Scientific Director, Dr Megan Kessler.

Tickets cost \$21. All proceeds will go towards our Environmental Defence Fund. If you can't make it on the night but still want to help us continue our work, please [make a donation](#).

When: Tuesday, 11 October 2016, 6:30-8:30pm

Where: Dendy Newtown, 261-263 King Street, Newtown, Sydney

[Book your place now »](#)

Appeal launched over Leewood CSG wastewater decision

On behalf of People for the Plains, we've lodged an appeal of the Land and Environment Court decision that gave a green light to the Leewood CSG wastewater treatment facility in the Pilliga.

On 1 August the Land and Environment Court decided that approval for the Leewood facility was valid. The facility can now begin operating, and is expected to treat up to 1.5 million litres of CSG wastewater every day and then use the water to irrigate farmland crops.

After analysing Court's decision, and having sought advice from expert barristers, we believe our client has solid grounds to appeal.

[Read more »](#)

Elaine Johnson – our new Principal Solicitor

We're delighted to announce that Elaine Johnson is our new Principal Solicitor.

Elaine has wide experience in environmental legal issues including administrative law, planning, pollution, biodiversity, mining and coal seam gas. She has worked in private practice and academia and spent time volunteering her expertise in the Solomon Islands. Elaine joined EDO NSW in Jan 2011.

Please join us in welcoming Elaine to her new role at EDO NSW.

[Read more about Elaine »](#)

Court and Compliance Watch

Mulgrave mushroom farm fined for offensive odours

The NSW Environment Protection Authority has fined Elf Farm Supplies Pty Ltd \$8,000 for emitting offensive odours in July 2016.

The odours, described as similar to a mixture of rotting straw, ammonia and manure, were detected up to 1km away from the facility. The odours emanated from the bale

wetting area used for pre-treating straw, part of the compost production process. The facility has been fined for offensive odours in the past.

[Read more »](#)

Environmental consultant fined for false reporting

The NSW Environment Protection Authority (EPA) has fined Environmental Consulting Services Pty Ltd \$16,000 for providing a report that contained false statements about waste characterised as excavated natural material.

The consultant tested of excavated soil at a site at Bourke Rd, Alexandria in August 2015 to determine if the soil could be lawfully transported as natural material. The text of the report implied that the testing was compliant. However, the consultant later admitted that it had not undertaken the full range of tests required by the EPA.

[Read more »](#)

Sand excavator fined for extracting without a licence

The NSW Environment Protection Authority has fined Hardy's Excavations Pty Limited \$15,000 for extracting sand from Eaton's Quarry at Bagotville, near Ballina, without holding an environment protection licence.

An investigation revealed that Hardy's had extracted over 38,500 tonnes of sand from 3 July 2014 to 30 October 2014. To limit the environmental impacts of quarrying, a licence is required for quarry operators who extract more than 30,000 tonnes of material per annum.

[Read more »](#)

Developer ordered to build fence to protect Aboriginal heritage

The NSW Department of Planning and Environment has ordered a developer at the Fraser Drive residential lot, South Tweed, to construct a semi-permanent fence to protect an Aboriginal heritage area.

In June 2016 the company was fined \$15,000 for not constructing the fence as required under its conditions of approval. The company has been ordered to build the fence by Friday 9 September 2016, or face further penalties or court proceedings. The heritage area contains an Aboriginal midden site.

[Read more »](#)

Unilever fined for polluting after public tip off

NSW Environment Protection Authority (EPA) has fined home care products manufacturer Unilever Australia \$15,000 for polluting waters at Rifle Range Creek, North Rocks.

A member of the public alerted the EPA about foam pollution at the creek. The foam was a surfactant, a chemical found in detergents and washing powders. Unilever confirmed that the pollutant had discharged into the creek from a broken stormwater pipe.

[Read more »](#)

Law Reform and Policy Watch

Marine Reserves Review Reports Released

The Australian Government has released reports from the Commonwealth Marine Reserves Review. The reports are from the Expert Scientific Panel and the Bioregional Advisory Panel.

The review relates to Reserves established in November 2012 – those in the South-west, North-west, North, Temperate East and Coral Sea marine regions.

Parks Australia has announced that it will use the reports to develop draft management plans for the parks listed above, and is calling for comments until Tuesday 11 October 2016. Read more about the public consultation process for developing the drafts.

For more detail, read our previous submissions on marine reserves:

- [Submission to Marine Reserves Review](#), EDOs of Australia, March 2015
- [Submission on the Coral Sea Commonwealth marine reserve proposal](#), EDOs of Australia, February 2012
- [Submission on the Commonwealth marine reserves network proposal and draft Marine Bioregional Plan for the Temperate East Marine Region](#), EDOs of Australia, February 2012

[Read more »](#)

Cost Recovery Implementation Statement 2016-17

The Department of Environment and Energy has released the Cost Recovery Implementation Statement 2016-17. The Statement reflects proposed changes to cost recovery arrangements for environmental assessments under the EPBC Act.

The changes are expected to commence on Saturday 1 October 2016, subject to approval by the Governor-General.

[Read more »](#)

Recent EDO NSW submissions and reports

- [Productivity Commission's Regulation of Agriculture: Draft Report](#), EDOs of Australia submission
- [Technical submission on the draft Offsets Payment Calculator](#), EDO NSW submission
- [Planning for climate change: how the NSW planning system can better tackle greenhouse gas emissions](#), EDO NSW discussion paper
- [NSW Parliamentary Inquiry into Crown Land 2016](#), EDO NSW submission
- [Merits Review in Planning in NSW](#), EDO NSW discussion paper
- [NSW Biodiversity reform package 2016](#), EDO NSW submission
- [Protection of the Environment Operations Regulation – railway coal transport](#), 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 bills have been introduced into Parliament since the last eBulletin*

NSW Parliament

- *No new bills have been introduced into Parliament since the last eBulletin*

Local Environmental Plan tracking

- [Newcastle](#) – Amendment to the height of building controls, Newcastle City Centre.
- [Liverpool](#) – Amendment to allow increased floor space ratio and building height, Shepherds Street.
- [Ku-Ring-Gai](#) – Inclusion of proposed Middle Harbour Road Heritage Conservation Area.
- [Hawkesbury](#) – Amendment to facilitate small two lot subdivision, Longleat Lane, Kurmond.
- [Hawkesbury](#) – Amendment to permit Detached Dual Occupancy and Secondary Dwellings in rural areas.
- [Sydney](#) – Increase in maximum building heights, Botany Road and Wyndham Street, Alexandria.
- [Tweed](#) – Rezoning and amending floor space ratio, building heights and minimum lot sizes, Terranora Road, Terranora.

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

- **Marine Reserves Review Reports**

Parks Australia is calling for public comments on the reports on the independent Commonwealth Marine Reserves Review. The review relates to Commonwealth Marine Reserves established in November 2012 – those in the South-west, North-west, North, Temperate East and Coral Sea marine regions.

Once it has received comments on the review's recommendations, Parks Australia will develop draft management plans for the marine reserves, and these will also be released for public comment.

Submissions on the reports are invited until Tuesday 11 October 2016.

[Read more and have your say »](#)

- **Coffs Harbour bypass**

NSW Roads and Maritime Services is calling for public submissions on the preliminary concept design for the Coffs Harbour bypass. The concept design is on display until Monday 19 September 2016.

The preferred route for the Coffs Harbour bypass provides a four lane divided motorway standard road. It will contain three grade-separated interchanges at Englands Road, Coramba Road and Korora Hill. It passes through the North Boambee Valley, the Roberts Hill ridgeline and the foothills of the Coffs Harbour basin and Korora Hill.

Submissions are invited until Monday 19 September 2016.

[Read more and have your say »](#)

- **Threatened Species and Endangered Ecological Community Listing Consultations**

- *No new listings have been placed on exhibition since the last eBulletin.*

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](#).

Legislative reviews

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

Major Project proposals: Invitation to comment

- [Sydney](#) – Temporary use of parts of the Sydney Opera House for special promotional events – Submissions invited until Monday 24 October 2016.
- [Kurri Kurri](#) – Installation and operation of thermal processing equipment to process medical and other waste – Submissions invited until Monday 24 October 2016.
- [Jemalong](#) – Development of Concentrating Solar Thermal Power plant and associated infrastructure – Submissions invited until Friday 21 October 2016.
- [Wollondilly](#) – Planning Agreement for the provision of designated State public infrastructure, 20 Macquarie Place, Tahmoor – Submissions invited until Monday 3 October 2016.
- [Wollondilly](#) – Planning Agreement for the provision of designated State public infrastructure, 15 Macquarie Place, Tahmoor – Submissions invited until Monday 3 October 2016.
- [Wollondilly](#) – Planning Agreement for the provision of designated State public infrastructure, 10 Bronzewing Street, Tahmoor – Submissions invited until Monday 3 October 2016.
- [Wollondilly](#) – Planning Agreement for the provision of designated State public infrastructure, 20 Bronzewing Street, Tahmoor – Submissions invited until Monday 3 October 2016.

- [Thredbo](#) – Alterations and additions to Obergurgl Lodge – Submissions invited until Monday 19 September 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

- [Rockingham, WA](#) – Clearing of potential cockatoo habitat for the development of 'Special Residential' housing estate – Submissions invited until Tuesday 20 September 2016.
- [Undullah, QLD](#) – Multi-use residential development in the Greater Flagstone Priority Development Area – Submissions invited until Friday 16 September 2016.
- [Kojonup, WA](#) – Upgrade to a section of Albany Highway north of Kojonup – Submissions invited until Friday 16 September 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 National Park 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](#).

Gardens of Stone: In Focus Photographic Exhibition

This exhibition showcases spectacular images of the Gardens of Stone in the Greater Blue Mountains.

There will be a free catered celebration and award ceremony from 2pm on Saturday, which will include the launch of a report on the Gardens of Stone region, plus a new video and map. A number of talks and workshops, for which a small fee is charged, will also be held across the weekend.

This special event is organised by our clients the Colong Foundation for Wilderness, the Blue Mountains Conservation Society and the Lithgow Environment Group.

When: Saturday 17 - Sunday 18 September 2016

Where: Level 3, The New Law Building (F10), Eastern Ave, University of Sydney

[Read more »](#)

Australian Environmental Law Digest September 2016

The September 2016 edition of the Australian Environmental Law Digest contains a number of articles on water management around Australia. If you're interested in water management, check them out, and be sure to read our recent blog [Managing water flows in the Murray-Darling Basin: a rebalance will benefit us all](#).

[Read more »](#)

Senior roles at environment agencies

- [Senior Project Officer](#), NSW Environment Protection Authority
- [Senior Scientist Threatened Species Risk Assessment](#), Office of Environment and Heritage
- [Senior Scientist – SOS Adaptive Capacity](#), Office of Environment and Heritage

[More NSW environment positions »](#)

Australian Environment Review September 2016

The September 2016 edition of the Australian Environment review (vol 31 no 6) contains articles on air pollution and health, carbon pricing, water management, radioactive waste, plus a case study of the environmental governance challenges in post-Brexit Europe.

[Read more »](#)

From last week

EPLA Annual Conference – program online

The program is now available for the 2016 Environment and Planning Law Association NSW annual conference.

Two EDO NSW experts will be presenting: Sue Higginson our CEO will take part the session *Biodiversity, Sustainability and Changes to Native Vegetation Act*; and Emily Ryan our Outreach Director will take part in the panel session *Practice & Procedure in LEC Online & Updates*.

The Conference will be held at The Hydro Majestic Hotel in Medlow Bath from Thursday, 20 October to Saturday, 22 October 2016.

[Read more »](#)

Changes to NSW association laws have begun

NSW Fair Trading has announced that changes to the associations incorporation laws began on Thursday 1 September 2016.

Following a three-year review and public consultation period, the *Associations Incorporation Act 2009* will be amended and the existing Regulation replaced with a new Associations Incorporation Regulation 2016.

The changes are aimed at improving compliance and governance. The changes are detailed at the [Fair Trading website](#).

These changes will affect many of our current and future clients, so now is the time to check out how the new laws and regulation will affect you.

[Read more »](#)

AELA Conference 2016 – The future of Australian environmental law: politics, reform and community activism

This year's Australian Earth Laws Alliance Conference is an opportunity to reflect on the current state and future possibilities for environmental law and governance in Australia with members of the judiciary, climate change lawyers and experts, leaders from the environmental NGO sector, lawyers from public interest environmental law centres, community groups, academics and regulators.

Confirmed speakers include Chief Justice Brian Preston, our own CEO Sue Higginson, and Jo-Anne Bragg, CEO, EDO Queensland.

When: Thursday 20 to Friday 21 October 2016
Where: EcoCentre, Griffith University Nathan Campus, Brisbane

[Read more »](#)

New Website on NSW Mining and CSG for Landholders

NSW Farmers' Association has launched a website to provide landholders information on mining and coal seam gas in NSW.

The site aims to improve landholders' awareness of mining and coal seam gas activity in their region, improve their capacity to negotiate access arrangements with exploration companies, and improve their awareness of the NSW Government's Strategic Regional Land Use Policy package and how it applies to mining and coal seam gas activities.

[Read more »](#)

Support EDO NSW

Your support is vital to ensuring that people have access to environmental justice.

[Your donation](#) will help us continue fighting legal battles for communities who are committed to protecting our wildlife from extinction.

[Please make a donation today.](#)

Other ways you can help us defend the environment

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 July 2016 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.

[Subscribe to this weekly eBulletin](#)