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EDO NSW EBULLETIN – 13 April 2017: Number 1001

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](#).

EDO News & Events	Court & Compliance	Law Reform & Policy Watch
Have Your Say Alerts	Community News	Support EDO NSW

EDO NSW News and Events

Springvale coal mine case: appeal date set

You may remember that we are representing community group 4nature as they challenge a decision to allow Springvale coal mine in the Blue Mountains discharge large amounts of mine water into the river system that forms part of Sydney's drinking water catchment.

In September 2016, the NSW Land and Environment Court dismissed 4nature's case. We're now appealing that decision.

The court dates for our appeal have been set: we'll be in the Court of Appeal on Wednesday 31 May 2017.

[Read more about the case »](#)

[Note – I'll add the image of the catchment that we used for the appeal]

Why not have your say over Easter?

We hope you have a great Easter break. If you do find you have some free time over the long weekend, why not check out the opportunities to have your say about developments in your area and around Australia?

As well as listing [current public consultations](#), we have lots of [resources](#) to help you make a submission and understand how you can use the law to protect the environment, including four [Have Your Say Fact Sheets](#).

[Check out opportunities to Have Your Say »](#)



Hearing begins on protection of ‘brutalist’ Sirius building

Last week we were in the Land and Environment Court representing Millers Point Community Assoc. Incorporated as it tries to overturn the NSW Heritage Minister’s decision not to list the Sirius Building, in Millers Point Sydney, on the State Heritage Register.

Our clients are concerned that this iconic public housing building is at risk of being sold to developers and is likely to be knocked down.

[Read more about the case »](#)

Analysis: the ever changing face of Barangaroo

How did a casino and hotel building come to dominate Barangaroo in Sydney?

The massive urban renewal project underway on public land at Barangaroo has had its fair share of controversy. It has been criticised for its ever-increasing bulk and scale, for being an abuse of the planning process, for representing bad value to the NSW public and has been the subject of two court cases, the most recent concerning the location of the Crown Sydney casino.

Our latest blog takes an in-depth look at how the Barangaroo development has changed since the first award-winning design was released in 2006.

[Read more »](#)

Residents group fights to protect critically endangered plant

In our new case, we’re representing Residents Against Intermodal Development (RAID) Moorebank in their fight to protect *Hibbertia fumana*, a critically endangered species thought to be extinct for almost 200 years.

[Read more about the case »](#)

Court and Compliance Watch

Hawkesbury City Council fined for sewage treatment breaches

The NSW Land and Environment Court has fined Hawkesbury City Council more than \$260,000 for two breaches at its South Windsor Sewage Treatment Plant.

In July 2015, the Plant was found to have allowed sewage sludge to overflow into the Windsor Downs Nature Reserve. An overflow of sewage sludge occurred again in August 2015, though there was no evidence of actual or likely harm to the environment resulting from this second incident.

The Council was ordered to pay \$175,000 to the National Parks and Wildlife Service for stormwater mitigation, and over \$94,000 to the NSW Environment Protection Authority's for costs.

[Read more »](#)

Ashton Coal fined for breaching complaints conditions

The NSW Department of Planning and Environment has fined Ashton Coal \$15,000 for breaching conditions relating to its community complaints handling system.

The company failed to publish a complaints register online and maintain a 24-hour community complaints phone line.

[Read more »](#)

Waste facility fined for inefficient odour controls

The NSW Environment Protection Authority (EPA) has fined Suez Resource and Recovery Pty Ltd \$15,000 for inefficient odour controls at its waste Facility in Kemps Creek. After receiving complaints about the facility, the EPA found that the facility's equipment and procedures increased the risk of offensive smells impacting on surrounding properties.

[Read more »](#)

Law Reform and Policy Watch

State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 – EDO NSW submission

This submission comments on the review of the SEPP (Infrastructure) 2007 – a powerful planning instrument that sets out how local infrastructure projects, state services and utilities are approved, often with limited (if any) public consultation.

The draft SEPP significantly expands the activities that can use fast-track 'exempt' and 'complying' approvals, or be 'self-assessed' and approved by a state agency or local council proposing the development ('Part 5' assessment).

In our submission we:

- raise key issues of transparency, assessment and oversight;
- review the key amendments proposed by the Government; and
- comment on positive changes, concerning changes and o proposals requiring further detail.

We argue that any expansion of faster infrastructure approvals calls for:

- improved transparency, notification and consultation based on the scale of change;
- harm minimisation guidelines, to ensure the SEPP is properly applied;
- exemplary environmental compliance within agencies that rely on 'Part 5' assessment; and
- strong and properly resourced oversight and enforcement by regulators, including the Department of Planning and Environment.

[Read our submission »](#)

Draft State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017 – EDO NSW submission

The NSW Government has proposed a new State Environmental Planning Policy (SEPP) to assess and approve childcare and education facilities (schools, universities, TAFE). The new Education SEPP would remove existing development controls from the Infrastructure SEPP.

Our submission addresses issues relating to:

- Education facilities generally (including concerns about exempt tree-clearing and 'minimal environmental impact' requirements)
- Childcare centres
- Schools (Design Quality Principles and need for independent oversight of Part 5 assessments)
- Universities
- TAFE centres.

[Read our submission »](#)

Recent EDO submissions and reports

- [Draft State Environmental Planning Policy \(Education Establishments and Child Care Facilities\) 2017](#), EDO NSW submission
- [State Environmental Planning Policy \(Infrastructure\) Amendment \(Review\) 2016](#), EDO NSW submission

- [Greater Sydney Commission's draft *Towards Our Greater Sydney 2056*](#), EDO NSW submission
- [NSW Marine Estate Threat and Risk Assessment Draft Report](#), EDO NSW submission
- [Surface Water Status and Issues Papers for the Barwon-Darling and Namoi catchments](#), EDO NSW submissions
- [Reducing emissions from the transport sector](#), EDOs of Australia submission
- [Environmental Planning and Assessment Amendment Bill 2017](#), EDO NSW submission
- [Developing a NSW Koala Strategy](#), 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 into Parliament since the last eBulletin*

[NSW Parliament](#)

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

Local Environmental Plan tracking

- [Mid-Coast](#) – Amendment to enable mixed-use development including 145 dwellings, Forster Civic Precinct.
- [Bayside](#) – Increase to building height and floor space ratio, 64-68 The Grand Parade, Brighton Le Sands.
- [Hornsby](#) – Amendment to allow residential flat buildings and increased building height, Hornsby RSL Club.
- [Maitland](#) – Housekeeping amendments, including removing food restrictions in Thornton, correcting labelling errors and aligning zone and lot boundaries.
- [Inner West](#) – Proposal to include a property on Belmore St, Enmore, as an item of local heritage significance.
- [Woollahra](#) – Amending height and floor space ratios, New South Head Road, Double Bay.
- [Edward River](#) – Rezoning of land at Barham Road, Deniliquin, to General Industrial.

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

- **Point to Point Transport Regulation 2017**

Transport for NSW is calling for public feedback on the proposed Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017.

The Regulation relates to services such as taxis, hire vehicles and rideshare services. The new regulatory regime relates to the transparency, competitiveness and flexibility of the point to point transport industry.

Submissions are invited until Tuesday 9 May 2017.

[Read more and have your say »](#)

- **Western Slopes Pipeline Project**

The NSW Department of Planning and Environment is calling for public submissions on a survey application for the Western Slopes Pipeline Project. The pipeline runs between Narrabri and Condobolin and past the Pilliga State Forest. Owners and occupiers of land parcels affected by the survey are particularly invited to make submissions.

Submissions are invited until Monday 1 May 2017.

[Read more and have your say »](#)

- **Roads and transport consultations**

- [Banksmeadow](#) – Night work, Botany Road – Submissions invited until Monday 24 April 2017.
- [Leichhardt](#) – Night work, Parramatta Rd and Tebbutt St – Submissions invited until Monday 24 April 2017.
- [Woolooware](#) – Night work on the Kingsway – Submissions invited until Monday 24 April 2017.

- [Zetland](#) – Night work on Botany Road – Submissions invited until Monday 24 April 2017.
 - [Kincumber](#) – Intersection upgrade, Empire Bay Drive, The Scenic Road and Cochrone Street, Kincumber – Submissions invited until Friday 19 May 2017.
- **Threatened Species and Endangered Ecological Community Listing Consultations**
 - [5 marine and freshwater species in WA](#) – *Austrostipa bronwenae*, *Lepidium catapycnon* (Hamersley Lepidium), *Synaphea sp. Pinjarra Plain* (A.S. George 17182), *Synaphea sp. Serpentine* (G.R. Brand 103), and *Westralunio carteri* (Carter's Freshwater Mussel) – Submissions invited until Monday 29 May 2016.

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](#).

Major Project proposals: Invitation to comment

- [Wollondilly Shire](#) – Developer financial contribution, Wilton Landowners Group – Submissions invited until Thursday 11 May 2017.

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

- [Petermann, NT](#) – Tjukaruru Rd intersection realignment and sealing, Uluru Kata-Tjuta National Park – Submissions invited until Thursday 28 April 2017.
- [Port Hedland, WA](#) – Dredging and dredge spoil disposal – Submissions invited until Wednesday 26 April 2017.
- [Rothsay, WA](#) – Mt Mulgine Mining Project – Submissions invited until Wednesday 26 April 2017.

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

- **Sturt National Park**

The draft plan provides the community with the opportunity to have a say in the future management directions for the Sturt National Park, located in the far north-west corner of New South Wales, approximately 330 kilometres north of Broken Hill and 400 kilometres west of Bourke.

Submissions are invited until Monday 17 July 2017.

[Read more and have your say »](#)

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

New this week

International climate change reports: call for experts

The Intergovernmental Panel on Climate Change (IPCC) is calling for nominations for experts to participate in the development of two reports: *Special Report on Oceans and Cryosphere in a Changing Climate*; and *Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems*.

Experts will write, coordinate authors and undertake editorial reviewing.

Nominations close on Wednesday 3 May 2017.

[Read more »](#)

Repower Campaign Launch

Nature Conservation Council is launching a new campaign to repower Australia with energy from the sun and wind.

Speakers will include Professor Lesley Hughes from the Climate Council, and Leigh Ewbank from Friends of the Earth in Melbourne.

When: Wednesday, 19 April 2017, 6:30-8pm

Where: Barnett Long Room, Customs House Library, 31 Alfred Street, Sydney

[Read more »](#)

Animal Law Week 2017

For Animal Law Week in NSW (24 to 29 April), the Animal Law Institute will hold Law Reform - The Development of the National Poultry Standards, at which Jed Goodfellow, Senior Policy Officer, RSPCA Australia, will provide insights on the Productivity Commission's recent landmark report into the regulation of Australian agriculture and its proposal for the establishment of an Australian Commission for Animal Welfare.

When: Thursday 27 April 2017, 5:30-7:00pm

Where: Customs House Library, 31 Alfred Street, Sydney

[Read more »](#)

Operation Jeedara Sydney screening

In 2016 The Great Australian Bight Alliance launched 'Operation Jeedara' – a project to document the beauty and bio-diversity of the Great Australian Bight to showcase the wildlife that is put at risk through resource exploitation in the area.

The film tells the story of the operation.

When: Wednesday 26 April 2017, 6:30pm

Here: Ritz Cinema, Saint Paul Street, Randwick.

[Read more »](#)

Narrandera Koala Count 2017

The National Parks and Wildlife Service (NPWS) and the Narrandera Koala Regeneration Centre Committee are calling for community members to join the annual Narrandera Koala Count on Sunday 30 April 2017.

The count has been running for 27 years. Each year between 30 and 70 koalas are spotted by volunteers.

For more information contact Griffith NPWS Office on 6966 8100 or the Narrandera Visitor Centre on 6959 5545.

[Read more »](#)

Australasian Emissions Reduction Summit

The program for the fourth Australasian Emissions Reduction Summit includes a wide variety of keynote presentations, plenary sessions, panel discussions and workshops.

The Summit aims to promote exchange, commercial interaction and peer-to-peer networking.

When: Tuesday 2 to Wednesday 3 May 2017.

Where: The MCG, Melbourne

[Read more »](#)

Key roles at environment and planning agencies

A number of key positions are currently being advertised at NSW environment and planning agencies:

- Department of Planning and Environment: [Team Leader](#); [Senior Planning Officer](#); [Deputy Chief Inspector – Assessment & Planning](#); [Deputy Chief Inspector - Mining Engineering](#); [Manager Strategic Projects](#); and [Director, Sector Performance and Intervention](#).
- Western Sydney Parklands Trust: [Manager, Design and Strategy](#).

[More NSW environment positions »](#)

From last week

Regarding Sydney Park: exhibition to support EDO NSW

In April, artist Janet Kossy will exhibit a series of works on Sydney Park, parts of which are being acquired for Sydney's WestConnex project.

We're thrilled to say that Janet has generously pledged to donate net proceeds to EDO NSW. So Sydneysiders, get along to the gallery and show your support!

When: Wednesday 19 April to Tuesday 25 April 2017

Where: The Corner Gallery, 88-90 Percival St, Stanmore, Sydney

[Read more »](#)

International Bar Association Conference Scholarship

The Energy, Environment, Natural Resources and Infrastructure Law Section of the International Bar Association is offering a scholarship to attend the 2017 IBA Annual Conference to be held in Sydney in October 2017.

The scholarship will be awarded to young lawyers who wish to participate in the conference, but who face financial difficulties in doing so.

Applications are open to all qualified lawyers age 35 and under. The deadline for applications is Sunday 7 May 2017.

[Read more »](#)

Aboriginal Cultural Awareness course

The NSW Division of the Environment Institute of Australian and New Zealand (EIANZ) is holding a one day course with renowned Aboriginal environmental educator Clarence Slockee.

The interactive course will provide an insight into, and an understanding of, Australia's first inhabitants, including Aboriginal use of native Australian plants of the Sydney region.

Cost: \$60 members, \$90 non-members (lunch included)

When: Saturday 22 April 2017, 8:30am-4:30pm

Where: Lane Cove National Park - Jenkins Hall, Max Allen Rd (off Lady Game Drive), Lane Cove National Park, Chatswood, Sydney

[Read more »](#)

Safeguard our Crown Lands Community Forum

This community forum will provide participants with knowledge of the new legislation and the skills and motivation to improve the management of crown lands and to reduce the likelihood of their inappropriate disposal or conversion to freehold.

Our Outreach Director - Professional Programs Emily Ryan will be presenting on recent changes to Crown Lands legislation.

Tickets are \$45 (\$38 concession), and include morning and afternoon tea, and lunch.

When: Saturday 13 May 2017, 9am to 5:30pm

Where: Rahamim Ecology Centre, 34 Busby St, South Bathurst

[Read more »](#)

Support EDO NSW

Help plan for a sustainable future

The NSW Government is proposing significant changes to planning legislation. Our expert planning lawyers are reviewing the proposed changes and will advise the community on what these changes mean for you and the environment.

[Your donation](#) will help us reach as many people as possible with information on the changes that will decide the way we care for our precious natural areas.

[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 latest 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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