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EDO NSW EBULLETIN – 2 June 2017: Number 1008

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

Biodiversity reforms community seminars

Thanks to everyone who came to our Sydney community seminar yesterday on the recently released draft regulations and instruments in support of the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016*.

We enjoyed an insightful presentation from our Policy and Law Reform team members Rachel Walmsley and Nari Sahukar, followed by a thought-provoking Q&A session. You can [view the presentation slides here](#).

If you're near Murwillumbah, come along to our next seminar on the reforms:

When: Thursday 8 June 2017, 6-8pm

Where: Tweed Valley Uniting Church Hall, 2 Byangum Rd, Murwillumbah

[RSVP »](#)

[Read more about the reforms at our website »](#)



Whaling footage ordered to be released – a win for public interest law!

Since 2012, we have been acting on behalf of our clients - Humane Society International and Sea Shepherd - to gain access to footage of the Japanese whaling fleet hunting whales in the Australian Whale Sanctuary off Antarctica. The footage was recorded by Australian customs but our clients were denied access it under Freedom of Information law on the grounds that it could affect Australia's relations with Japan.

Last week the Information Commissioner ordered the Government to release the footage.

[Read more »](#)

Our 2017 Gala Dinner – a charity event not to miss

Thanks to everyone who has bought tickets to our [2017 Gala Dinner](#).

We've had a great response, and have been able to extend the number of tables to meet demand. So it's not too late to [book your ticket or table](#).

Our MCs, legendary comedy duo Roy & HG, and celebrity auctioneer Cecily Hardy will provide a fabulous night of entertainment. Come and celebrate public interest environmental law with us.

When: Thursday 15 June 2017, 6:30-10pm

Where: Ivy Ballroom, Level 1, 320 George Street, Sydney (entrance at the end of Palings Lane)

We'd love you to be there. Don't miss out!

[Book your tickets now »](#)

Help heroes like Wendy

You've probably heard that our client Wendy Bowman was awarded the internationally prestigious Goldman Environmental Prize. We've represented Wendy since 2009 in her fight to save her local environment from the impact of a massive open cut coal mine.

Wendy is just one of the thousands of people we help every year across Australia and the Pacific. Your support will help us continue to provide legal representation to heroes like Wendy.

[Please make a tax-deductible donation to our Environmental Defence Fund.](#)

Since losing all our Federal Government funding in 2013, we have relied on the support of donors to continue our vital work. Thank you for helping us defend the environment through law

[Read more about Wendy and our work »](#)

Court and Compliance Watch

Explosives manufacturer fined for water pollution

The NSW Land and Environment Court has fined Dyno Nobel Asia Pacific Pty Ltd \$460,000 plus costs for two offences involving the pollution of water systems in the Warkworth area.

The Court found that the explosives manufacturer discharged waters containing high levels of nitrate, nitrite and ammonia into a dam on a neighbouring farm and another gully. The discharge caused substantial environmental harm, with five cattle on the farm found dead following the incident.

[Read more »](#)

Mushroom farmer fined for water pollution

The NSW Land and Environment Court has ordered Elf Farm Supplies Pty Ltd to pay Hawkesbury City Council \$100,000 for two offences involving pollution of water systems in the Mulgrave area.

The court found that the mushroom farm discharged water containing ammonia into a nearby creek. There was no evidence that actual harm to the environment had occurred.

The court ordered that the \$100,000 to be paid to the Council should go towards the South Creek Riparian Restoration Project.

[Read more »](#)

Mining company and council fined for water pollution

The NSW Environmental Protection Authority has fined Namoi Mining Pty Ltd and Uralla Shire Council \$15,000 each for water pollution.

Namoi Mining, part of the Whitehaven Coal Group, was fined \$15,000 after stormwater contaminated with coal discharged from the Gunnedah Colliery after rain in September 2016.

Uralla Shire Council was fined \$15,000 after the Uralla Landfill leachate dam overflowed on two occasions in August and September 2016.

[Read more »](#)

Building company fined for water pollution

The NSW Environmental Protection Authority (EPA) has fined Hutchison Builders Pty Ltd \$15,000 for water pollution.

The company was found to have inadequate erosion and sediment controls at its South Grafton Sewage Treatment Plant construction site. During heavy rain in March 2017, sediment flowed into a stormwater system that drains into the Clarence River.

[Read more »](#)

Mining services company fined for water pollution

The NSW Environmental Protection Authority has fined Orica Australia Pty Ltd \$15,000 for water pollution.

A discharge from Orica's Kooragang Island facility in Newcastle in March 2017 was found to have concentrations of suspended solids, zinc and arsenic higher than the levels permitted under the company's environment protection licence.

[Read more »](#)

Asphalter fined for asbestos-contaminated stockpiles

The NSW Environmental Protection Authority (EPA) has fined State Asphalts NSW Pty Ltd \$15,000 for stockpiling waste contaminated with asbestos without a license.

During an inspection of the company's Prestons premises in November 2016, EPA officers found two stockpiles of mixed soil, concrete and brick that contained asbestos fragments. The company is only licensed to receive asphalt waste and virgin extracted materials

[Read more »](#)

Law Reform and Policy Watch

Recent EDO submissions and reports

- [Australia's Climate Change Policy Review](#), EDOs of Australia submission
- [Inquiry into National Water Reform](#), EDOs of Australia submission
- [Inquiry into the rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities](#), EDOs of Australia submission
- [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

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

New legislation introduced to Parliament

Australian Parliament

- *Clean Energy Finance Corporation Amendment (Carbon Capture and Storage) Bill 2017*

This Government Bill would amend the *Clean Energy Finance Corporation Act 2012* to remove the prohibition on the Clean Energy Finance Corporation from investing in carbon capture and storage technologies.

[Read the Bill »](#)

NSW Parliament

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

Local Environmental Plan tracking

- [Parramatta](#) – Implementation of controls to allow appropriate developments near the South Parramatta Heritage Conservation Area.
- [Wollondilly](#) – Rezoning land in Thirlmere to enable large lot residential development bounded by Darley, Innes, Owen and Bridge Streets.

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

- **Mahony's Toadlet additional Species Impact Statement**

Transport for NSW is calling for public submissions on an additional species impact statement (SIS) for a new train maintenance facility will be built at Kangy Angy.

The additional SIS addresses the facility's impact on the Mahony's Toadlet, a frog discovered at the site and which EDO NSW helped gain provisional listing as endangered. [Read more about this on our blog.](#)

Submissions are invited until Friday 30 June 2017.

[Read more and have your say »](#)

- **Regulatory Policy Review**

The NSW Department of Premier and Cabinet is calling for public submissions on a comprehensive review of the NSW regulatory policy framework.

The Department has released a draft policy framework that outlines recommendations for enhancing the policies, institutions and tools that underpin regulatory quality in NSW.

Submissions are invited until Monday 19 June 2017.

[Read more and have your say »](#)

- **National Greenhouse and Energy Reporting Scheme Amendments**

The Australian Department of the Environment and Energy is calling for public submissions on three draft documents relating to the National Greenhouse and Energy Reporting Scheme.

Submissions are invited until Monday 9 June 2017.

[Read more and have your say »](#)

- **National Battery Storage Register**

The COAG Energy Council is calling for stakeholder submissions on a draft report and consultation paper on a cost-benefit analysis for a National Battery Storage Register.

Submissions are invited until Monday 9 June 2017.

[Read more and have your say »](#)

- **Threatened Species and Endangered Ecological Community Listings**

- [Long-nosed Potoroo \(northern subspecies\)](#) *Potorous tridactylus tridactylus* population in the Wardell area – Submissions invited until Friday 21 July 2017.

- [Zieria odorifera](#) subsp. *copelandii*, a shrub – Submissions invited until Friday 21 July 2017.
- [Zieria odorifera](#) subsp. *warrabahensis*, a shrub – Submissions invited until Friday 21 July 2017.

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

- [Sydney](#) – Transport and employment precinct above Martin Place station – Submissions invited until Friday 30 June 2017.
- [Cessnock](#) – Four new underground longwall panels, Austar Coal Mine – Submissions invited until Thursday 15 June 2017.
- [Lithgow](#) – Modification for extended stockpile areas and the production of washed aggregate and sand, Wallerawang Quarry – Submissions invited until Monday 12 June 2017.
- [Wollongong](#) – Developer contribution, Wongawili Coal, Jersey Farm Rd, Huntley – Submissions invited until Wednesday 28 June 2017.
- [Dunmore](#) – Modification to rectify inconsistency in Dunmore Dam capacity – Submissions invited until Wednesday 9 June 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

- [Okehampton Bay, TAS](#) – Farm for Atlantic Salmon, mussels and seaweed – Submissions invited until Thursday 8 June 2017.
- [Southern Cross, WA](#) – Earl Grey Lithium open cut mining project – Submissions invited until Wednesday 14 June 2017.
- [Monkey Mia, WA](#) – Clearing of vegetation for tourist resort – Submissions invited until Tuesday 13 June 2017.

- [Bli Bli, QLD](#) – Nambour Landfill Expansion, Cooney Road – Submissions invited until Friday 9 June 2017.
- [Epping, VIC](#) – Commercial development, Cooper Street – Submissions invited until Thursday 8 June 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

- **Mallee Cliffs National Park Draft Plan of Management**

The NSW Office of Environment & Heritage is calling for public submissions on a Draft Plan of Management for Mallee Cliffs National Park. The Park is located in the south-west corner of New South Wales, 20 kilometres north-east of Buronga.

The plan adopts a new format, with a 'formal' plan supported by a document that details park values (such as threatened species and cultural heritage) and the threats to these values.

Submissions are invited until Monday 28 August 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

NSW Biodiversity Conservation Advisory Panel: call for panellists

The NSW Government is inviting applications for membership on the NSW Biodiversity Conservation Advisory Panel, which is to be constituted under *the Biodiversity Conservation Act 2016*.

The Panel will provide independent, expert advice on the management of biodiversity conservation and on proposed declarations of areas as of outstanding biodiversity value.

Panellist positions are paid, and are for an initial 18-month to 3-year term. Applications for the Panel close on Sunday 18 June 2017.

[Read more »](#)

Demystifying solar power – free seminars

The NSW Office of Environment and Heritage, with South West regional councils and business chambers, is presenting free 'Demystifying Solar' seminars for businesses in June 2017. The seminars will look at different options for businesses wanting to switch to solar.

A total of 11 seminars will be held around regional, areas of NSW

[Read more »](#)

Legal Officer, New South Wales Aboriginal Land Council

The New South Wales Aboriginal Land Council is seeking a Legal Officer at its Parramatta office.

The Legal Officer will deliver a wide range of legal services, including work on issues relating to land claim refusals and native title. Applications need to be submitted by Monday 19 June 2017.

[Read more »](#)

Northern Rivers Contaminated Land and Waste Forum

The Environment Institute of Australia and New Zealand will present this one day forum on contaminated land and waste.

The forum will include presentations on regulatory and local government perspectives. A legal perspective will also be presented on the need for specialist practitioners, including information on 'expert witnesses'.

When: Wednesday 21 Jun 2017, 8:15am-5:00pm

Where: Ballina RSL, 240 River Street, Ballina

Cost: EIANZ Members \$125, non-members \$250

[Read more »](#)

Australasian Groundwater Conference

The theme of the Australasian Groundwater Conference 2017 is 'Groundwater Futures: Science to Practice'. The plenary session on day 3 will be on groundwater and the law.

When: Tuesday 11 to Thursday 13 July 2017

Where: UNSW, Sydney

[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: [Director, Energy Policy](#); [Director, Energy Operations](#); [Director, Water & Utilities](#); [Director, Resources Policy](#); [Senior Team Leader - Sustainability Programs](#); [Executive Officer, Greater Sydney Commission](#); and [Heritage Project Officer](#).
- Environment Protection Authority: [Unit Head, Regulatory Services](#); [Connected Communities Officer](#); [Senior Policy Officer](#); [Senior Community Engagement Officer](#); and [Senior Legal Officer](#)

[More NSW environment positions »](#)

From last week

Research Symposium: Reshaping Justice

The Law and Justice Foundation of NSW is presenting a research symposium Reshaping Justice: Client-centred service delivery, technology and innovation.

The symposium will examine current issues facing the sector and how evidence-based research can be used to shape legal services that are responsive to client needs and interests. The keynote speaker is Professor Dame Hazel Genn QC.

When: Tuesday 20 June 2017, 9:30am-6:30pm

Where: New South Wales Parliament House Theatre, 6 Macquarie Street, Sydney

[Read more »](#)

Global Trends in Climate Change Legislation and Litigation: 2017 update

This London School of Economics report summarises key trends in climate change legislation and litigation. It is the sixth stock-take in a series of global climate legislation studies that dates back to 2010. The 2017 edition covers legislative activities in 164 countries, and for the first time includes analyses of climate change litigation.

[Read more »](#)

Threatened Species Recovery Fund: applications open

The National Landcare Programme is inviting community groups around Australia to apply for funding under the Threatened Species Recovery Fund. The Fund provides between \$20,000 and \$250,000 to help communities actively protect threatened species. Funding is distributed to eligible groups through a competitive funding round.

Applications need to be in by Thursday 15 June 2017.

[Read more »](#)

Essay prize on environmental law

The topic for this year's Australian Academy of Law's Annual Essay Prize is *How well do Australian legal institutions respond to climate change? How could that response be improved?*

The \$10,000 prize is open to anyone who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law-based occupation.

If you're interested in entering, you need to submit an expression of interest by Friday 30 June 2017. Essays need to be submitted by Thursday 31 August 2017.

[Read more »](#)

2017 Regional Environment Conference

The Nature Conservation Council's 2017 Regional Environment Conference will be held in Lithgow. The conference is a chance for conservationists to network, learn new skills, and plan for community action.

On the second day of the conference, participants will go on a field trip to Maiyingu Marragu, Cox's River and Wolgan Valley.

Jemilah Hallinan, our Outreach Director – Community Programs, will take part in a panel session on mining impacts on nature in the Central West and present a workshop on the new Biodiversity Conservation Act.

When: Saturday 3 June to Sunday 4 June 2017

Where: Uniting Church Lithgow, 43 Bridge Street, Lithgow

[Read more »](#)

Support EDO NSW

Help us help community heroes

Every day, our dynamic public interest environmental law experts help communities in Australia and across the Pacific protect our environment through law. Those communities need us, and we need you!

Please make your end of financial year tax-deductible donation to our [Environmental Defence Fund](#)..

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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