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EDO NSW EBULLETIN – 4 August 2017: Number 1017

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
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EDO NSW News and Events

Community group wins fight to protect Sydney's drinking water catchment

Our winning streak continues this week with our client 4nature's success in its Court of Appeal case to protect Sydney's drinking water catchment from the impacts of the Springvale coal mine.

This judgment overturns an approval that would have allowed the mine to discharge large amounts of mine water into the river system that forms part of Sydney's drinking water catchment. This is the first case to test laws passed in 2009 that were introduced to protect the catchment.

A further hearing will be required to consider the orders appropriate to resolve the proceedings.

[Read more »](#)

Community group wins fight for Sirius Building

Our client Millers Point Community Assoc. Incorporated has won its court case challenging the NSW Minister for Heritage's decision not to list the Sirius Building in Millers Point, Sydney, on the State Heritage Register. The Minister made the decision not to list Sirius on the Register despite the Heritage Council's recommendation that it should be listed.

The Court held that the Minister's decision was invalid and of no effect, and has ordered the Minister to remake the decision in accordance with the law. The NSW Government has also been ordered to pay our client's legal costs.

This is a seminal judgment on the Heritage Act, which has been in force for 40 years and came about as a result of the Green Bans of the 1970s in the Rocks.

[Read more »](#)

Update on our work to protect the Murray-Darling Basin

ABC's Four Corners has [aired an exposé](#) of alleged illegal water harvesting in the Murray-Darling Basin. This is a problem that EDO NSW has been working to fix for a long time, alongside successive governments, scientists and the community, and we have filed proceedings in the NSW Civil and Administrative Tribunal on behalf of our client ACF challenging decisions by WaterNSW to withhold access to important licensing information.

The Four Corners story has since been picked up by major news networks and has prompted the Federal Government to order a [review of water use](#) in the Murray-Darling Basin.

[Read more »](#)

Community Workshop in Lue – Mining and the law: What you need to know and how to have your say

We'll be holding a free workshop in Lue explaining how the community can have their say about the proposed Bowdens Silver Project. The workshop will include information about:

- The legal process for the assessment of mining developments
- The requirements for environmental assessment of the project
- How the community can have their say through the development assessment process and Community Consultative Committee

Please bring a plate to share.

When: Tuesday 15 August 2017, 5:30-8pm

Where: Lue Public School, Swanston Street, Lue

[Read more and register »](#)

Court and Compliance Watch

Waste company fined for stormwater discharge

The NSW Environment Protection Authority (EPA) has fined Suez Recycling and Recovery Pty Ltd \$15,000 for discharging polluted water into the stormwater system.

Waste water discharged from the company's Kemps Creek facility contained excessive amounts of ammonia and suspended solids in breach of the Environment

Protection Licence for the site. The EPA found that appropriate controls to contain stormwater and runoff were not in place.

[Read more »](#)

Water company fined for poor maintenance

The EPA has fined Hunter Water Corporation \$15,000 for poor maintenance at its Dungog Water Treatment Plant.

EPA officers found several pipes at the site affected by contaminant build-up and corrosion as well as leaks which could potentially discharge into the stormwater system. Although there was no evidence of actual environmental damage, the EPA determined that the risk of toxic chemicals being released into the environment was unacceptable.

[Read more »](#)

Waste company fined for multiple offences

The EPA has issued six penalty notices with fines totalling \$66,000 to Enviro Recycling Pty Ltd for multiple offences including pollution, breach of licence and operation of an unlicensed waste facility.

EPA officers found stockpiles of asbestos at the company's Revesby site which had been accepted by the company unlawfully. EPA officers also found that an adjacent property owned by Bells Hire Pty Ltd was also being used as a waste facility despite not holding an Environment Protection Licence. Both companies have the same sole director.

[Read more »](#)

Waste company fined for licence breaches

The EPA has fined Hi-Quality Waste Management Pty Ltd a total of \$64,500 for licence breaches and non-compliance with licence conditions at its St Marys and Bringelly sites.

The company accepted and processed asbestos waste in breach of its licence and allowed asbestos and lead to contaminate stockpiles of natural material at its Bringelly facility. The company also breached licence conditions at its St Marys site by failing to complete works required under a Pollution Reduction Program and failing to comply with a Clean-Up notice for stockpiles of asbestos-contaminated waste which have been unlawfully stored at the site since 2012.

[Read more »](#)

Chemical company fined for not holding licence

The NSW Environment Protection Authority (EPA) has fined Air Liquide Australia Limited \$30,000 for producing and storing chemicals without holding an Environment Protection Licence.

The company processed, stored and distributed carbon dioxide at its Kooragang site without holding a licence as required. The company also produced and stored liquefied oxygen, nitrogen, argon and carbon dioxide at its Banksmeadow site without holding a required licence. All of these chemicals are classified as dangerous goods.

[Read more »](#)

Law Reform and Policy Watch

Recent EDO submissions and reports

- [NSW Travelling Stock Reserves Review 2017](#), EDO NSW submission
- [Review of Complying Development in Greenfield Areas](#), EDO NSW submission
- [Environmental assessments and approvals](#), EDOs of Australia submission
- [Draft Marine Estate Management Regulation 2017](#), EDO NSW submission
- [NSW biodiversity and land management reforms draft regulations and products](#), EDO NSW submission
- [Australia's Climate Change Policy Review](#), EDOs of Australia submission
- [Inquiry into National Water Reform](#), EDOs of Australia submission

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

NSW Parliament

- *Coal Mine Subsidence Compensation Bill 2017*

This Government Bill would repeal and replace the *Mine Subsidence Compensation Act 1961* and make provision for the payment of compensation for damage caused by subsidence arising from coal mining.

[Read the Bill »](#)

- *Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017*

This Government Bill would permit the Minister for Roads, Maritime and Freight to approve trials of highly or fully automated vehicles on the State's roads, and provide that it is a function of Transport for NSW to develop policy and facilitate research and testing for the purposes of promoting innovative transport solutions.

[Read the Bill »](#)

- *Local Government Amendment (Amalgamation Referendums) Bill 2017*

This Private Member's Bill would provide for plebiscites to be conducted to ascertain whether the electors of the local government areas amalgamated during 2016 wish the amalgamation to be reversed, and provide certain proposed amalgamations of local government areas are not to proceed unless approval to the amalgamation has been given by the electors of each of the areas concerned at a referendum.

[Read the Bill »](#)

Local Environmental Plan tracking

- [Hornsby](#) – Planning proposal to permit residential development in commercial core zone, increase building heights and floor space ratios in the Hornsby Town Centre East Precinct, reduce the minimum non-residential floor space ratio and rezone land at George Street car park to mixed use.
- [Blacktown](#) – Amendment to Sydney Region Growth Centres SEPP to rezone land at Altrove Estate, Veron Road and Schofield. Amendments include rezoning of Infrastructure (Drainage) to Low Density Residential and Medium Density Residential.
- [Parramatta](#) – Amendment to increase height restriction from 72m to 192m and floor space ratio to 15:1, Hassall Street.
- [Canada Bay](#) – Amendment to enable development of car parking at Canada Bay Club, 8 Bevin Avenue, Five Dock.

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

- **Waterfall Way Draft Corridor Strategy**

Roads and Maritime is seeking public comments on the proposed strategic vision to manage and guide the development of the Waterfall Way Corridor.

The draft sets out the proposed strategic vision to improve safety, traffic efficiency and sustainability of the Waterfall Way corridor.

Submissions are now invited until Monday 21 August 2017.

[Read more and have your say »](#)

- **Newcastle Bus Interchange**

Transport for NSW is seeking public comments on the potential environmental impacts of the Newcastle Bus Interchange project.

The project aims to improve connectivity between heavy rail, light rail, bus platforms and pedestrian access between the station concourse, the bus interchange, and Hunter and Stewart Avenue.

Submissions are now invited until Friday 18 August 2017.

[Read more and have your say »](#)

- **Oceanographic antennae research system**

The National Parks and Wildlife Service is seeking public comments on a proposal to install an oceanographic antennae system for research.

The Sydney Institute of Marine Science (SIMS) proposes to install oceanographic antennae at Sugarloaf Point Lighthouse cliffs, Myall Lakes National Park and Awabakai Nature Reserve. The research will inform marine sciences associated with ocean circulation, wave climate and coastal erosion/flooding marine conservation issues.

Submissions are now invited until Friday 11 August 2017.

[Read more and have your say »](#)

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

- *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](#).

Major Project proposals: Invitation to comment

- [Milsons Point](#) – Modification to lighting strategy, hours of operation and lighting complaints conditions at Luna Park Lighthouse Building – Submissions invited until Wednesday 16 August 2017.
- [Pottsville](#) – Modification to increase heavy vehicle movements at Dunloe Sands Quarry – Submissions invited until Thursday 10 August 2017.
- [South Ballina](#) – Modification of South Ballina Sand Quarry to extend existing sandy quarry footprint – Submissions invited until Thursday 10 August 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

- [Mulgrave, QLD](#) – Development of 75-90 MW solar photovoltaic farm, Woodhouse Road – Submissions invited until Tuesday 15 August 2017.
- [Lake Cowal, NSW](#) – Modification/expansion of tailings storage, Cowal Gold Operations – Submissions invited until Tuesday 15 August 2017.
- [Fern Bay, NSW](#) – Residential development of former Rifle Range, Stockton peninsula – Submissions invited until Friday 11 August 2017.
- [Sydney, NSW to Perth, WA](#) – INDIGO marine acoustic survey of seabed – Submissions invited until Wednesday 9 August 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

- *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

Kowmung campaigner – Help save the Blue Mountains wilderness from being flooded

The Colong Foundation for Wilderness is looking for an experienced campaigner who will work with others to protect World Heritage listed wilderness national parks in the Blue Mountains from being flooded due to the proposed raising of the Warragamba Dam wall.

The contracted position is for 26 weeks, 32 hours/week at \$43.80 per hour inclusive of GST 832 hours total – renewable. Applications close 18 August 2017 at 5pm.

[Read more »](#)

The Festival of Urbanism

Brought to you by the Henry Halloran Trust and the University of Sydney School of Architecture, Design and Planning from 1-12 August 2017.

Cities are more than their physical and spatial form; they are also patterns of living. By looking deeper into the historical, political and economic forces that make up urban life, we create opportunities to ask questions and improve our knowledge to inform good planning.

The Festival is a series of talks in conversation with researchers, industry professionals and community leaders, who are challenging practice and creating new approaches to maximise the public interest and benefits.

[Read more »](#)

Green-Go Short Film Contest 2017

This short film competition aims to showcase creative minds by producing movies that raise awareness about specific problems or show solutions. The 7th edition of

the contest has now launched. The contest has reached 9 million people, with applicants from more than 40 countries. This year's categories are targeted towards environmental issues and the Earth's future.

[Read more »](#)

Women in Law Awards 2017

Nominations are now open for the Lawyers Weekly Women in Law Awards 2017.

The Awards recognise the achievements of women who have challenged, influenced or changed the practice of law in Australia.

Nominations are due Friday 11 August 2017.

[Read more »](#)

Guarding the Galilee film night and Q&A

North Sydney Community Centre is hosting a community film night and Q&A on *Guarding the Galilee*, a new documentary on the Adani Carmichael coal mine in Queensland's Galilee basin.

The screening will be followed by a Q&A session with film Director and Producer Nell Schofield & environmentalist, writer and president of the Australian Conservation Foundation Geoff Cousins.

When: Friday 11 August 2017, 6:30-8:00pm

Where: North Sydney Community Centre, 220 Miller Street, North Sydney

[Read more »](#)

2017 NSW Coastal Conference

Registrations are now open for the 26th annual NSW Coastal Conference.

With the theme 'The Next Wave', conference sessions will focus on the new coastal management framework.

When: Wednesday 8 to Friday 10 November 2017

Where: Shoal Bay Country Club, Port Stephens

[Read more »](#)

Support EDO NSW

We need your help to keep fighting

EDO NSW has been providing critical legal support to communities for 30 years. We are the only legal centre in NSW specialising in public interest environmental issues. As a not-for-profit, non-government organisation, we rely on our donors to help fund our programs and services.

Your support is vital to ensuring that community groups and individuals across Australia and the South Pacific have access to environmental justice.

[Find out more here »](#)

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