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EDO NSW EBULLETIN – 18 August 2017: Number 1019

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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EDO NSW News and Events

Climate Impacts of Coal before NSW Court

The Wollar Progress Association, represented by EDO NSW, is challenging the approval of the Wilpinjong coal mine extension on climate change grounds.

Our client alleges the approval was granted in breach of environmental laws which require the assessment of the greenhouse gas emissions of the mine, including the burning of the coal downstream in light of government climate policies. NSW currently has a target of net-zero emissions by 2050 under its 2016 Climate Change Policy Framework.

This is the first case to test these important laws which were designed to ensure the climate change impacts of mining are properly assessed and understood.

We are grateful to barristers Geoffrey Kennett SC and Joanna Davidson for their assistance in this matter.

[Read more »](#)

EDO Insider – The Sirius Building Heritage Case CPD

The Land and Environment Court's judgment in the Sirius building heritage case is a seminal judgment on the listing provisions of 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.

The case challenged the Minister for Heritage's decision not to list Sirius on the Heritage Register, despite a recommendation by the Heritage Council that it be listed because of its rarity and aesthetic value.

So what does this judgment mean for Sirius, which also came about as a result of the Green Bans, and for other buildings with heritage value? Join the legal team who ran the case, barristers Bruce McClintock SC and Shane Prince, and EDO NSW solicitor Belinda Rayment, to find out.

All funds raised from this seminar go towards our core work of helping the community to protect the environment through law. You can claim CPD points for this and all of our professional development seminars.

When: Thursday 31 August, 12:30-1:30pm.

Where: Colin Biggers & Paisley, Level 42, 2 Park Street Sydney.

Cost: \$75. A light lunch will be provided.

Numbers are strictly limited. [Reserve your place now »](#)

We are very grateful to our pro bono partner Colin Biggers & Paisley for hosting this seminar.

Court and Compliance Watch

Council fined for water pollution

The NSW Environment Protection Authority (EPA) has fined Lake Macquarie City Council \$15,000 for allowing chlorinated water to discharge into a creek.

A pump at the West Wallsend Swim Centre failed, resulting in 16,380 litres of super chlorinated water being discharged into the adjoining creek. The EPA found that the council was aware that the pump was faulty but did not take action to fix it.

[Read more »](#)

Waste company fined for dust emissions

The NSW Environment Protection Authority (EPA) has fined Aussie Skips Waste Services Pty Ltd \$15,000 for dust emissions in breach of its Environment Protection Licence (EPL).

The EPL for the company's Strathfield South facility contains strict conditions designed to control dust emissions. EPA officers inspecting the site in July 2017 observed a breach of these conditions and subsequently issued the \$15,000 fine.

[Read more »](#)

Law Reform and Policy Watch

Inquiry into the future of Australia's cities

This submission to the House of Representatives Committee on Infrastructure, Transport and Cities covers two sub-inquiries.

On Sustainability transitions in existing cities we discuss:

- Reviewing evidence and recommendations from past inquiries
- Prioritising sustainable transport and infrastructure
- Global best practice green cities
- Strong leadership needs institutions, vision and harmonisation.

On Growing new and transitioning regional cities and towns we highlight five critical issues for planning in regional Australia:

- Ecologically sustainable development
- Good strategic planning
- Natural Resource Management goals, data, environmental accounts
- Climate change readiness
- Community engagement, including regional Aboriginal communities

[Read more »](#)

Recent EDO submissions and reports

- [Inquiry into the future of Australia's cities](#) – EDOs of Australia submission
- [Environmental Planning & Assessment Amendment \(Staged development Applications\) Bill 2017](#) – EDO NSW submission
- [Inquiry into the Environment and Infrastructure Legislation Amendment \(Stop Adani\) Bill 2017](#) – EDOs of Australia submission
- [Tax Deductible Gift Recipient \(DGR\) Reform Opportunities – Discussion Paper](#) – EDOs of Australia submission
- [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](#).

New legislation introduced to Parliament

Australian Parliament

- *Industrial Chemicals Bill 2017*

This Government Bill is part of a package of six Bills to establish a new national regulatory scheme for industrial chemicals. The Bill would establish a legislative framework for the Australian Industrial Chemicals Introduction Scheme (AICIS) by: establishing the scheme and an Executive Director; defining an industrial chemical; requiring introducers of industrial chemicals to be registered; establishing a system of risk-based categorisation of industrial chemical introductions; providing a framework for the initiation of evaluations of industrial chemicals; establishing the Australian Inventory of Industrial Chemicals; specifying certain information and reporting obligations; enabling the protection of confidential business information; enabling AICIS to monitor compliance; implementing Australian obligations under certain international agreements; and establishing the power for the Minister to make rules.

The Bill would also ban animal testing for new chemical ingredients of cosmetics from 1 July 2018.

[Read the Bill »](#)

- *Competition and Consumer Amendment (Abolition of Limited Merits Review) Bill 2017*

This Government Bill seeks to amend the *Competition and Consumer Act 2010* to prevent the Australian Competition Tribunal from reviewing certain decisions made under the national energy laws and to ensure that decisions made by the Australian Energy Regulator under those laws are not subject to review by any other State or Territory body.

[Read the Bill »](#)

- *Product Emissions Standards Bill 2017*

This Government Bill seeks to establish a national framework to enable Australia to address the adverse impacts of air pollution from certain products on human and environmental health.

The Bill implements a key aspect of the *National Clean Air Agreement*, established by Australia's Environment Ministers on 15 December 2015. Under that Agreement, a key initial action was the introduction of national emissions standards for new non-road spark ignition engines and equipment (NRSIEE), which are a significant emission source. Rules made for NRSIEE will prescribe two broad categories of NRSIEE: new small non-road spark ignition engines (up to 19 kilowatts in power) and new marine spark ignition propulsion engines.

The *Product Emissions Standards (Excise) Charges Bill 2017* and the *Product Emissions Standards (Customs) Charges Bill 2017* complement the Bill by establishing a mechanism for imposing a charge on the import or domestic manufacture of emissions-controlled products to recover the costs of implementing the product emissions standards framework, where appropriate. The *Product Emissions Standards (Consequential Provisions) Bill 2017* makes a consequential

amendment to the *Customs Act 1901*, clarifying that emissions-controlled products imported or exported in contravention of the Bill are not forfeited to the Crown under section 229 of that Act.

[Read the Bill »](#)

NSW Parliament

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

Local Environmental Plan tracking

- [Canterbury-Bankstown](#) – Planning proposal to allow ‘garden centres’ as an additional permitted use at 479 Henry Lawson Drive, Milperra.
- [Ballina](#) – Planning proposal to rezone land at 9 Byron Bay Road, Lennox Head from Primary Production to Low Density Residential.

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

- **Great Western Highway Improvements**

Roads and Maritime Services is seeking public comments on proposed intersection improvements from Pitt Street to Marsden Street, Parramatta along the Great Western Highway.

[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

- [Prestons](#) – Modifications to warehouse buildings at Preston Industrial Estate – Submissions invited until Friday 25 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

- [Gippsland Lakes, VIC](#) – Construction and replacement of existing water regulating structures at the lower Latrobe wetland sites of Heart Morass and Dowd Morass – Submissions invited until Tuesday 29 August 2017.
- [Coffs Harbour, NSW](#) – Proposal to upgrade the Pacific Highway from Englands Road to Woolgoolga – Submissions are invited until Monday 28 August 2017.
- [Leonora, WA](#) – Clearing of native vegetation to allow for mining and transport of ore to processing facilities at the Mt Keith Operations – Submissions are invited until Monday 28 August 2017.
- [Albany, WA](#) – Widening of the South Coast Highway and culvert extension works – Submissions are invited until Monday 28 August 2017.
- [Adare, QLD](#) – Development of a natural gas-fired power station, the Lockyer Energy Project, Ford's Road and Ranger Road – Submissions are invited until Monday 28 August 2017.
- [Iluka, NSW](#) – Construction of a 140 lot residential subdivision, Hickey Street – Submissions are invited until Wednesday 23 August 2017.
- [Julia Creek, QLD](#) – Development of the Saint Elmo Vanadium Project – Submissions are invited until Wednesday 23 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

Farewell to the Nature Conservation Trust

The NSW Nature Conservation Trust has announced that it will cease operations on 24 August 2017. Over the past 16 years, the NCT has worked with landholders to conserve ecologically important land across NSW, with over 58,000 ha now permanently protected. NCT has been instrumental in the successful uptake of private conservation initiatives in the NSW landscape and made a remarkable contribution to the Australian reserve system.

PIAC advocacy workshops

The Public Interest Advocacy Centre is holding a two day advocacy workshop which will provide an opportunity to plan an effective strategy about issues affecting your community. You will complete strategy planning, learn the best ways to have your issue considered by parliament, prepare your advocacy tool kit, write a media release, and negotiate for your best outcomes.

Tuesday 17 October and Wednesday 18 October, 9:00 – 4:30

[Read more »](#)

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 TODAY at 5pm.

[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 »](#)

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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