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EDO NSW EBULLETIN – 3 November 2017: Number 1030

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

RAIDM Inc appeal in the LEC



Our client, RAIDM Inc, had its merit appeal heard over three days last week in the Land and Environment Court.

The merit appeal sought refusal of an Intermodal Facility in Moorebank. The joint expert reports and evidence given at the hearing did not ultimately support an application to refuse the Project. However, in the lead-up to the hearing both the developer, Qube, and the Minister for Planning agreed to an additional nine conditions in relation to the main issues of contention, noise and biodiversity.

During the course of the hearing, RAIDM Inc sought additional conditions to further address the impacts of the Project. The Commissioner has reserved her decision.

[Read more >>](#)

Support our Environmental Defence Fund

For years, the team here at EDO NSW has focused on water conservation across Australia – and the Murray-Darling Basin in particular. We provide [independent analysis of laws and regulations](#), [legal education to local communities](#) and we [pursue litigation](#) in the public interest.



In July, ABC Four Corners' *Pumped* exposed alleged illegal water harvesting in the Basin, featuring the work of EDO NSW. The subsequent media coverage prompted both the NSW and Federal Governments to order reviews of water use in the Basin. *Photo: The Barwon-Darling River, image courtesy ABC.*

When the responsible government agencies fail to take action to protect the environment, EDO NSW empowers affected communities to seek environmental justice under the law.

We need your help to ensure that the law is applied in order to protect our most precious natural resources.

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

[Read more about our work protecting water.](#)

David Morris Q+A



Jabiru in the Kakadu sunset. Photo by David Morris.

Our new CEO David Morris came to the role after four years with the Environmental Defenders Office in the Northern Territory. We asked David about the highlights of his time heading up EDONT, why he became an environmental lawyer and how he manages to stay optimistic.

[Read David's answers in his Q+A blog post >>](#)

Legal Administrator – EDO NSW

We are looking for an experienced legal administrator to play a key role in ensuring the effective and efficient management of EDO NSW's advice and litigation files. This position is also a big part of the EDO NSW Administration Team, which provides the functions necessary to the general operations of the EDO and to supporting its staff, management and clients.

Applications close Monday 13 November.

[Read more »](#)

Court and Compliance Watch

Companies fined for unlawful transport and disposal of waste

The NSW Environment Protection Authority (EPA) has fined British Concrete Pty Ltd and Bustrix Pty Ltd for illegally transporting and disposing of waste at Millers Forest.

British Concrete Pty Ltd was carrying out upgrade works at Singleton Railway Station and subcontracted waste disposal for the project to Bustrix Pty Ltd. In May, nearly 700 tonnes of waste was transported to a property on Nalley Creek Rd and stockpiled at the property. The property does not hold a licence to operate as a waste facility.

The EPA fined British Concrete Pty Ltd \$15,000 for unlawful disposal of waste and fined Bustrix Pty Ltd \$15,000 for transporting waste to a location that cannot lawfully receive it.

[Read more »](#)

Council fined for water pollution

The EPA has fined Parkes Shire Council for three separate discharges of sewage into Goobang Creek at Parkes.

The discharges occurred after erosion and sediment control measures failed during the construction of a new sewage treatment plant at Akuna Road, resulting in sediment and effluent discharging into the creek. Parkes Shire Council failed to notify

the EPA of the pollution incidents as required by law, despite the EPA previously advising the Council of their obligations.

The EPA fined Parkes Shire Council \$15,000 for the pollution incidents and issued an Official Caution for failing to immediately notify the EPA.

[Read more »](#)

Recycling company fined for failing to install dust controls

The EPA has fined Building Recycling Operations (BRO) Pty Ltd \$15,000 for failing to install dust control measures at a waste processing site at Miller Road, Chester Hill in Sydney.

BRO holds an environment protection licence to process building and demolition waste at the site. The licence requires dust control measures to be installed to ensure that dust does not leave the site and affect neighbouring properties. EPA officers inspected the site on 2 August and found that the required dust control measures were not installed. Officers again inspected the site on 17 October and found that, despite significant correspondence between the company and the EPA, the dust control measures still had not been installed.

[Read more »](#)

Law Reform and Policy Watch

Recent EDO submissions and reports

- [Inquiry into the Integrity of the Water Market in the Murray-Darling Basin – EDOs of Australia submission](#)
- [Draft Technical Notes supporting Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals – EDO NSW submission](#)
- [Draft Crown Land Regulation 2017 – EDO NSW submission](#)
- [Draft management plans for Australian Marine Parks that are managed by Parks Australia – EDOs of Australia submission](#)
- [Submission on the Environmental Impact Assessment Improvement Project - Draft EIA Guidelines – EDO NSW submission](#)

Read all 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.*

Gazette notices

- ***Proposal to Conduct Offshore Wind Farming Exploration Activities***

This gives notice of the intention to conduct a feasibility study for an offshore wind farm proposed in Commonwealth waters off the coast of south-eastern Victoria, near Gippsland.

The study will involve activities to assess wind resources, sea bed conditions and environmental conditions (including impacts on sea life) in the area.

[Read the Notice >>](#)

Local Environmental Plan tracking

- **Tamworth** – This Planning proposal seeks to rezone land in West Tamworth from RU4 Primary Production Small Lots and R5 Large Lot Residential and alter other development controls to facilitate the development of employment-generating and business activity lands.
- **Bankstown** – This proposal seeks additional permitted uses, including a garden centre, at 479 Henry Lawson Drive, Milperra.

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

- **Revitalisation of Rhodes East, Sydney**

The Department of Planning and Environment is seeking community input to revitalise Rhodes East. The Rhodes East area was nominated as a potential Priority Precinct by Council and the NSW Government has allocated approximately \$5 million of additional funds for local infrastructure upgrades.

Submissions are invited until Friday, 10 November 2017.

[Read more and have your say >>](#)

- **Draft Marine Estate Management Strategy/Risk Assessment Report**

The draft Marine Estate Management Strategy 2018-2028 for NSW sets the management framework and strategic direction over the next decade for the State's marine estate.

The draft Strategy is underpinned by the NSW Marine Estate Threat and Risk Assessment Final Report which has also been released for information. The report identifies and ranks the priority statewide threats and risks to the environmental assets, plus the social, cultural and economic benefits the community derives from the NSW marine estate.

Submissions are invited until Friday, 8 December 2017.

[Read more about the Threat and Risk Assessment >>](#)

[Read more about the Draft Strategy and have your say >>](#)

- **Model Code of Conduct for Local Councils**

The Office of Local Government is seeking feedback on the proposed new Code of Conduct requirements for local NSW councils.

Submissions are invited until Monday, 4 December 2017.

[Read more and have your say >>](#)

- **Draft Primary Production and Rural Development SEPP and planning reforms**

The Department of Planning and Environment has undertaken a review of five existing State Environmental Planning Policies (SEPPs) that address primary production and rural development.

Submissions are invited until Monday, 18 December 2017.

[Read more and have your say >>](#)

- **Aboriginal Cultural Heritage Legislation**

The Office of Environment and Heritage is seeking community input on a proposed new system for managing and conserving Aboriginal cultural heritage. This involves

changing the law for conserving and managing Aboriginal cultural heritage and includes the draft Aboriginal cultural heritage legislation.

The exhibition period has been extended until early March 2018. The Bill is not yet out but there are OEH workshops planned throughout the state late this year (see Community News below).

Submissions are invited until Friday 2 March 2018.

[Read more and have your say >>](#)

FEDERAL

- **Position Statement: Great Barrier Reef Coastal Ecosystems**

The Great Barrier Reef Marine Park Authority's position statement for Great Barrier Reef coastal ecosystems is now open for public consultation.

Submissions are invited until 5pm on 24 November 2017.

[Read more and have your say >>](#)

- **Cost Recovery Implementation Statement for Regulating Emissions Standards for Non-Road Spark Ignition Engines and Equipment**

The Department of the Environment and Energy is inviting community input with respect to its draft cost recovery implementation statement (CRIS) that sets out the cost recovery charges that will be implemented for regulating emissions standards under the *Product Emissions Standards Act 2017*.

Submissions are invited until Monday, 6 November 2017.

[Read more and have your say >>](#)

- **Product Emissions Standards Rules for Non-Road Spark Ignition Engines and Equipment**

The Department of the Environment and Energy is inviting community input with respect to the emissions standards and detailed arrangements for NRSIEE.

Submissions are invited until Monday, 27 November 2017.

[Read more and have your say >>](#)

- **Water Use by the Extractive Industry**

The Environment and Communications References Committee invites individuals and organisations to send in their opinions and proposals with respect to the social, economic and environmental impacts of extractive projects' take and use of water.

Submissions are invited until Friday, 15 December 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](#).

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](#).

Major Project proposals: Invitation to comment

- **Walsh Bay** – The application seeks approval for works to be done on several wharfs for arts, cultural uses and events, as well as three new spaces to accommodate commercial use. Submissions are invited until Friday, 24 November 2017.
- **Fifield** – The application seeks approval for modifications to a Syerston Nickel/Cobalt Mine. Submissions are invited until Saturday, 11 November 2017.
- **Ultimo Pymont** – The application seeks approval for construction of a new public school for up to 800 students, including a library, school hall,

classrooms, multi-function spaces, indoor and outdoor play spaces and landscaping. Submissions are invited until Thursday, 30 November 2017.

- **Huntlee** – This variation deed amends the Planning Agreement, which provides that the landowner will make contributions towards designated State infrastructure. Submissions are invited until Thursday, 30 November 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

- **Mordialloc, VIC** – The Mordialloc Bypass is the proposed construction and operation of a new arterial road within Melbourne's south eastern suburbs, located predominately within an existing road reservation. Submissions are invited until Tuesday, 14 November 2017.
- **Learmonth, WA** – This proposed pipeline bundle fabrication facility will include a bundle track of approximately 10km and an access road from Minilya-Exmouth Road of approximately 3km. Submissions are invited until Tuesday, 14 November 2017.
- **Picton, NSW** – The Tahmoor South Project proposes to continue underground longwall mining which will extend the Tahmoor Mine life for an additional 18 to 20 years to 2040. Mining and infrastructure capacity upgrades are proposed to increase average ROM coal production to 4.4 Mtpa. Submissions are invited until Monday, 13 November 2017.
- **Canberra, ACT** – Upgrades are proposed to Dudley Street. Submissions are invited until Friday, 10 November 2017
- **Wellington, WA** - The proposed hard rock quarry is to extract 50,000 to 100,000 tonnes of hard rock per year, in association with the mining development. Submissions are invited until Friday, 10 November 2017.
- **Newman, WA** – Kalium Lakes Ltd is seeking to develop a sub-surface brine deposit to produce 150 kilotonne per annum of SOP product, by undertaking a groundwater abstraction, evaporation and processing operation at the Beyondie SOP Project. Submissions are invited until Thursday, 9 November 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](#).

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

What does the future hold for western Sydney bushland?

The NSW Department of Planning will spend the next 12 months developing a *Strategic Sustainability Plan* for 7 Western Sydney Local Government Areas, which will identify upfront which areas of bushland will be conserved and which will be developed.

Nari Sahukar, Senior Solicitor Law Reform and Policy at EDO NSW, will speak at this Total Environment Centre forum considering this plan.

When: Thursday 16 November 2017

Where: Western Sydney Leagues Club, 10 Old Leumeah Rd, Leumeah 2560

[Read more »](#)

Seniors Rights Service temporary solicitor

SRS has a temporary two-month position, possibly on secondment from another CLC. The service is after a solicitor who can 'hit the ground running'.

The position will be providing direct advice to older people. SRS advises on most areas of law including elder abuse, domestic violence and financial exploitation.

Some familiarity with Salesforce databases is desirable but not essential.

The person in this temporary position may also be able to apply for new legal positions being planned for later in the year.

Applicants should send an email application to info@seniorsrightsservice.org.au with the subject SOLICITOR APPLICATION [NAME OF APPLICANT] by 9am November 6, 2017 along with a CV and three referees from recent legal centres.

Public information sessions on proposed new system for managing and conserving Aboriginal cultural heritage

Find out about the proposed new system for managing and conserving Aboriginal cultural heritage and provide feedback on the draft legislation by taking part in public information sessions, workshops and webinars.

When: November, December 2017

Where: Throughout the state.

[Read more »](#)

Environmental Justice Conference 2017

The conference will look at environmental justice scholarship and activism and the prospects and themes for current and future work in the field.

When: Monday 6 - Wednesday 8 November 2017

Where: Holm Building, University of Sydney

[Read more »](#)

The Future of Environmental Justice – a panel discussion

Co-presented by Sydney Ideas and Sydney Environment Institute

When: Tuesday 7 November 6-7:30pm

Where: Law School Foyer, Level 2 Sydney Law School, Eastern Avenue, University of Sydney

[Read more »](#)

International Rights of Nature Tribunal

To be held during the 23rd United Nations Convention on Climate Change Conference of Parties (COP23) in Bonn, Germany.

When: Tuesday-Wednesday November 7-8

Where: LVR-LandesMuseum Bonn, Germany

[Read more »](#)

Equitable Briefing

The Law Society of New South Wales and the NSW Bar Association invite solicitors and women barristers who work in Environmental and Planning and Public and Administrative law to attend a special networking event.

The event seeks to promote and assist the implementation of the National Model

Gender Equitable Briefing Policy. This networking opportunity is aimed at connecting solicitors with women barristers in particular practice areas.

When: Wednesday 8 November 6:00 - 7:30pm

Where: Basement Level, the Bar Association, 174 Phillip Street, Sydney

[Read more >>](#)

Exploring the Legal Status of Nature

Presenters include Chief Judge, The Hon. Justice Brian Preston SC, NSW Land and Environment Court; Dr Michelle Maloney, AELA; Dr Virginia Marshall, indigenous lawyer and author of 'Aqua Nullius'.

When: Thursday 9 November, 1:00pm

Where: Level 3, Room 004, UTS Business School , 14-28 Ultimo Road, Ultimo 2007

[Read more »](#)

Food Justice in the City: Toward a just and sustainable food system

How can we build fairer urban food systems in the face of growing climate challenges? Join a star-studded panel of international experts to explore this question and anticipate what Sydney's food systems might look like in the future.

When: Thursday 9 November, 6.00 - 7.30pm

Where: University of Sydney

[Read more »](#)

2017 NSW Coastal Conference

With the theme 'The Next Wave', the 26th annual NSW Coastal Conference 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 »](#)

Tarkine in Motion – Sydney film screening

In April 2015, over 70 photographers, filmmakers, musicians and artists journeyed into Tasmania's Tarkine to document and interpret its wild beauty. From that weekend comes this 55-minute documentary portrait of this threatened wilderness.

When: Friday 10 November, 5:30 - 8:00pm
Where: Govindas, 112 Darlinghurst Rd, Darlinghurst 2010

[Read more >>](#)

A Spring Day in the Gardens of Stone

A picnic to raise awareness of the Gardens of Stone reserve proposal.

When: Sunday 26 November 2017 11:00am - 2:30pm
Where: Top of the hill, State Mine Gully Rd, Newnes State Forest via Lithgow

[Read more >>](#)

Wild Law: The Theory and Practice of Earth Jurisprudence

A Summer School at Griffith University Law School.

When: Monday 27 November-Friday 1 December 2017
Where: Griffith University Nathan Campus, Brisbane

[Read more »](#)

Launch of the Women's Energy and Climate Law Network

The Women's Energy and Climate Law Network (WECLN) is a new network of female academics and practitioners working in the field of climate and energy law. The WECLN launch event will combine discussion panels with eminent energy and climate law scholars, small group sessions, mentoring sessions on careers in climate and energy law and an opportunity to input into future directions for the network.

When: Friday 8 December 2017 9:30am – 4:30pm followed by dinner
Where: Melbourne University Law School, Carlton, Melbourne

[Read more »](#)

Sustaining the Seas Conference: Fish, oceanic space and the politics of caring

Registrations are now open for the Sustaining the Seas conference, hosted by the Sustainable Fish Lab.

When: Monday 11 - Wednesday 13 December 2017

Where: University of Sydney

[Read more »](#)

Caring Better for the Seas – Sydney Ideas

This panel of academics and NGOs will look at diverse practices and politics of caring – from caring for Aboriginal and Torres Strait Sea countries, campaigns on fish and fishing, to how surfers navigate the necessity of caring for the ocean with a desire to preserve secret surf spots.

When: Monday 11 December 2017 5:00 – 6:30pm

Where: Foyer, Level 2 Sydney Law School, Eastern Avenue, University of Sydney

[Read more >>](#)

NELA Essay Competition

The NELA Essay Competition is now open, seeking essays that address issues facing Australian environmental law from undergraduate and postgraduate students at Australian universities.

Essays can be submitted until 18 December 2017.

[Read more »](#)

Law Society of NSW Women's Mentoring Program 2018

The Law Society is looking for mentees and mentors for the Women's Mentoring Program 2018.

The program connects women in the profession with experienced law practitioners and leaders to support, encourage and promote their career progression through a mutually beneficial mentoring relationship. Applications close 17 January 2018.

[Read more »](#)

Support EDO NSW

We need your help to keep defending our environment

EDO NSW has been providing critical legal support to communities for over 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 »](#)

[Make your donation online here »](#)

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