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EDO NSW EBULLETIN – December 8, 2017: Number 1035

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

EDO Insider: 4nature vs Centennial Springvale



Barrister Nicholas Kelly and EDO NSW Senior Solicitor Rana Koroglu before the seminar.

Last Friday's EDO Insider seminar on the landmark 4nature vs Centennial Springvale case concerning Sydney's drinking water catchment drew a lot of interest. The McCabes room was full to hear Barrister Nicholas Kelly and EDO NSW Senior Solicitor Rana Koroglu discuss how the case was won, the precedent value of the

judgment and the NSW Government's special retrospective legislation triggered by the case.

Stay tuned in the new year for more events like this in our 2018 professional development schedule.

[Meanwhile, read more about the 4nature case >>](#)

Find out more about new urban and rural tree-clearing laws



Our outreach solicitors have been busy educating metropolitan and rural communities about the new tree-clearing laws.

You can view the powerpoint presentations on our website or, if you're interested in hosting a workshop, contact education@edonsw.org.au

[View the presentations >>](#)

2017 has been a big year for us – 2018 will be even bigger!



From water management in the Murray-Darling to coal mining and CSG, Aboriginal cultural heritage to land clearing, biodiversity and native vegetation, 2018 is shaping up to be a busy year for EDO NSW.

We'll continue our vital work across the spectrum of environmental law for a range of clients, including individual farmers and concerned residents, community groups and large environmental organisations – providing direct support, legal advice and education; gaining access to information; forensically examining environment and planning laws; facilitating expert scientific evidence; and bringing rigorously researched cases to court.

[We need your help to continue this important litigation, policy and law reform and community legal education work, now and into the future.](#)

If you have already donated, thank you! If not, please consider making an end-of-year gift to our Environmental Defence Fund or joining our monthly giving group Friends of the EDO.

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

[Join the Friends of the EDO >>](#)

Court and Compliance Watch

Waste company fined following fire

The NSW Environment Protection Authority (EPA) has fined Suez Recycling & Recovery Pty Ltd \$30,000 following a fire at its Chullora Resource Recovery Park in February 2017.

The fire was caused by continual piling of warm material onto an existing waste pile. The EPA issued a \$15,000 fine for failing to operate the facility in a competent manner in contravention of the facility's licence conditions. The EPA issued a further \$15,000 fine for water pollution. Suez failed to make all efforts to contain water contaminated in fighting the blaze and this water then flowed into stormwater drains and the Cooks River.

[Read more »](#)

Pet food company fined for liquid ammonia leak

The EPA has fined Australian Pet Brands Pty Ltd \$15,000 following a leak of liquid ammonia at the company's Ingleburn factory.

In June 2017 a faulty valve resulted in a leak of around 680kg of liquid ammonia in a plant room at the facility. The EPA found that a faulty pilot valve caused the leak and that the ammonia warning system was not operational at the time.

The EPA fined Australian Pet Brands \$15,000 for failing to maintain the plant in a proper and efficient condition in breach of its environment protection licence. It also issued an Official Caution for failing to notify key agencies of the incident, including the EPA.

[Read more »](#)

Contracting company fined for illegal dumping

The EPA has fined Civil 1 Pty Ltd and its company director for illegally dumping waste at a property in Schofields.

In May 2017 EPA officers observed a truck dumping waste at the property on Kerrys Rd. On inspecting the waste it was found to contain sand, brick, tile, concrete, geofabric and clay. This type of waste is required to be disposed of at a licensed waste facility as it may pose risks to the environment.

The EPA fined Civil 1 Pty Ltd \$15,000 for illegally dumping the waste and fined the company director \$7,500 under executive liability laws.

[Read more »](#)

Law Reform and Policy Watch

Recent EDO submissions and reports

- [Review of Environmental and Planning Assessment Regulation 2000 \(Issues paper\)](#) - EDO NSW submission
- [Draft Marine Estate Management Strategy 2018-2028](#) - EDO NSW submission
- [Proposed adjustment to Sustainable Diversion Limit \(SDL\) Adjustment Mechanism](#) - EDO Australia submission
- [Protected Plant Sustainable Management Plans 2018-22](#) – EDO NSW submission

- [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](#)

- **Environmental Planning and Assessment Amendment (Enabling All Councils to Require Affordable Housing Contributions) Bill 2017**

This Private Members Bill seeks to amend the *Environmental Planning and Assessment Act 1979* to enable all councils to impose conditions requiring the payment of contributions to be used for providing affordable housing.

[Read the Bill >>](#)

Gazette notices

- **Notice of Permits Revoked Under the Sea Installations Act 1987**

Pursuant to Section 36(2) of the *Sea Installations Act 1987* (the Act), Sea Installation Permits 12/01 and 13/02 held by Cruise Whitsundays Pty Ltd were revoked on November 8 2017 in accordance with Section 35(2) of the Act.

[Read the Notice >>](#)

Local Environmental Plan tracking

- [Parramatta](#): This proposal seeks to amend Parramatta Local Environmental Plan 2011 to include Child Care Centres as a permitted use within Schedule 1 Additional permitted uses, on five sites zoned RE1 Public Recreation within the City of Parramatta.

To access the LEP tracking system, visit the Department of Planning and Environment [website](#), go to *Current Proposals* and search for 'On Exhibition'. 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

- **Amendment to prohibit open-cut mining at Drayton South**

The NSW Government is proposing to prohibit future open cut mining at Drayton South in the Upper Hunter. The proposed prohibition requires amendments to the: *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* and *State Environmental Planning Policy (State and Regional Development) 2011*.

This proposal is on exhibition until 14 December 2017.

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

- **Draft Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2017**

A package of proposed reforms for buildings with combustible cladding has been released in response to the tragic fire at Grenfell Tower, London in June 2017.

The exhibition package includes an Explanation of Intended Effect, which proposes amendments to eight State Environmental Planning Policies to limit the use of combustible cladding as exempt development, that is, without planning or building approval.

Feedback is invited by Friday 16 February 2018.

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

- **Rail Trail Community Consultation**

The NSW Department of Premier and Cabinet is seeking input on the proposed closure of the rail corridor between Armidale and Wallangarra. Two public consultation workshops will be held – in Tenterfield (December 11) and Guyra

(December 12) – discussing future developments on the corridor, including biosecurity and other risk mitigation strategies. Bookings are essential.

Email submissions are invited until Friday, 22 December 2017

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

- **Rock Fishing Safety Act**

The Office of Emergency Management is seeking feedback on the implementation of the new *Rock Fishing Safety Act*, which included a range of compliance activities and a rock fishing safety awareness campaign over the last 12 months.

Submissions are invited until Friday, 19 January 2017

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

- **Mount Ousley Interchange**

Roads and Maritime Services is seeking feedback on the concept design and environmental assessment for the Mount Ousley interchange upgrade. The interchange would replace the existing intersection at M1 Princes Motorway and Mount Ousley Road.

Submissions are invited until Friday, 15 December 2017

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

- **Off-the-plan Contracts**

The number of residential properties purchased off-the-plan has risen dramatically over the last decade, prompting a need to review existing laws around off-the-plan contracts. The Office of the Registrar General invites feedback on possible reforms.

Submissions are invited until Tuesday, 30 January 2018

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

- **Belmore Road Ramps**

Roads and Maritime Services is seeking feedback on the Review of Environmental Factors (REF) for the Belmore Road ramp upgrade.

Submissions are invited until Friday, 15 December 2017

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

FEDERAL

- **Regulation Impact Statement for a national phase out of PFOS**

The Department of the Environment and Energy has released a Regulation Impact Statement (RIS) on options for a national phase out of perfluorooctane sulfonic acid (PFOS) and related chemicals, including its salts and perfluorooctane sulfonyl fluoride (PFOSF).

Submissions are invited until Monday, 26 February 2018

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

- **GEMS Fee Review Supplementary Paper**

The Department of the Environment and Energy is undertaking a review of the fees associated with the delivery of registration and compliance services under the *Greenhouse and Minimum Standards Act 2012* (GEMS Act). The supplementary paper proposes new fee bands and reallocation of products according to the overall registration and compliance monitoring costs, including check testing.

Submissions are invited until 5pm Friday, 2 February 2018

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

- **Draft National Recovery Plan for the Murray Hardyhead (*Craterocephalus fluviatilis*)**

The Department of the Environment and Energy invites interested groups and individuals to provide comment on the draft recovery plan. The plan describes research, management and other actions to assist the species throughout its range.

Comments must be received by Friday January 19 2017.

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

Threatened Species and Endangered Ecological Community Listings

- [Philothea sporadica](#) (Kogan waxflower) – Submissions are invited until Wednesday 24 January 2018.
- [Snowpatch Feldmark](#) in the Australian Alps Bioregion – Comments are invited until Friday, 26 January 2018
- [Snowpatch Herbfeld](#) in the Australian Alps Bioregion – Comments are invited until Friday, 26 January 2018

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 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 Include date

- [Darlinghurst, Sydney](#) – Minor facade design amendments, the installation of three building identification signs and minor demolition works for St Vincent's Private Hospital. Submissions are invited until Monday, 18 December 2017
- [Minmi, Lake Macquarie](#) – The Minmi Link Road Developer will make contributions in the amount of \$18,284,662. Submissions are invited until Friday, 5 January 2018

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

- [Bullsbrook, WA](#) – Proposed development of a sand quarry on Lot 2 Bingham Road requiring the clearing of 11.89 ha of native vegetation.
- [Stratton, WA](#) – proposed development on Lot 102 Farrall Road for residential purposes, Public Open Space (POS) and utilities and infrastructure and to set aside parts of the lot for conservation purposes.
- [Port Hedland, WA](#) – proposal to construct a large-scale wind and solar renewable energy project on the northeast boundary of the Shire of East Pilbara.
- [Aldoga, QLD](#) – RTAY is undertaking an application to amend the State Development Area (SDA) to allow for an increase in the volume of material to be extracted to 600,000 m³ per year and add an additional nine extraction pits. RMA 2 will eventually be developed as a residue disposal facility when RMA 1 reaches capacity.

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

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 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 your support to help fund our programs and services.

Your help 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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