

View our most recent eBulletin at www.edonsw.org.au/ebulletin

EDO NSW EBULLETIN – 25 January 2018: Number 1040

A free weekly bulletin that includes news, events, notices and opportunities for public comment. These are also listed on our website in [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

Clearing trees on urban land and in E-Zones



We've updated our Fact Sheet about protections for trees in NSW urban areas and land that is zoned for environmental purposes (E-zones).

It includes information about protections for trees, including under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, planning laws, and the *Biodiversity Conservation Act 2016* (NSW).

[Download the Fact Sheet »](#)

Have your say on proposed sand quarry at Lennox Head



EDO NSW solicitor Nina Lucas' presentation to last week's community workshop in Lennox Head is now on our website. The workshop covered the basics of responding to a development application but also looked in close detail at the local proposal for an enlarged sand quarry, especially in regard to key environmental issues.

[Download the workshop presentation »](#)

Court and Compliance Watch

Dairy company fined for wastewater leak

The NSW Environment Protection Authority (EPA) has fined Real Dairy Australia Pty Ltd \$15,000 for a wastewater discharge at its dairy processing facility in Wauchope.

The EPA found that corrosion had caused a piece of equipment to fall into an effluent tank, causing wastewater to overflow and discharge into a nearby stormwater drain. Real Dairy Australia were fined and issued with an official caution for failing to maintain equipment in a proper and efficient manner as required by their Environment Protection Licence.

[Read more »](#)

Australian Native Landscapes Pty Ltd v Lake Macquarie City Council

The NSW Land and Environment Court has upheld an appeal by Australian Native Landscapes Pty Ltd, granting development consent for a leachate dam and associated activities at a composting facility in Cooranbong. Consent was granted subject to conditions to address environmental risks posed by the development.

[Read more »](#)

Importer fined for illegally importing goods containing synthetic greenhouse gas

A NSW based importer has been fined \$12,600 by the Department of Environment and Energy for importing vehicles with air conditioning units containing a common refrigerant gas without an appropriate licence.

The illegally imported goods contained a synthetic greenhouse gas which is 1430 times as potent in the atmosphere as carbon dioxide. The import and manufacture of products containing these ozone depleting substances is prohibited in Australia, unless a licence or exemption is held.

[Read more »](#)

Law Reform and Policy Watch

Senate Inquiry into Water Use by the Extractive Industry

EDOs of Australia has made a submission to the Senate Inquiry into Water Use by the Extractive Industry.

As well as the high level of community concern about environmental impacts, there is also a general perception that the regulatory frameworks that govern water use by the extractive industry across Australia jurisdictions are failing to protect the interests of other water users, now and in the future; and failing to fairly and adequately economically value the impacts of the extractive industry on water. These issues are exacerbated by legislation that confers broad discretion on decision-makers to determine how environmental and social impacts will be assessed, and whether or not high-impact extractive projects should be approved.

In this submission we respond particularly to these Terms of Reference:

- Any gaps in the regulatory framework which may lead to adverse social, economic or environmental outcomes, as a result of the take and use of water by extractive projects.
- Any difference in the regulatory regime surrounding the extractive industry's water use, and that of other industries.
- The effectiveness of the 'water trigger' under the *Environment Protection and Biodiversity Conservation Act 1999*, and the value in expanding the 'trigger' to include other projects, such as shale and tight gas.

[Download this submission.](#)

Commencement of updated Environmental Planning & Assessment Act 1979

The NSW Government passed legislation to update the *Environmental Planning and Assessment Act 1979* (EP&A Act) in November 2017. Most changes to the Act will commence on Thursday 1 March 2018.

[More detailed information »](#)

Recent EDO submissions and reports

- [Water Use by Extractive Industry](#) – EDOs of Australia submission

- [Primary Production and Rural Development proposed SEPP](#) – EDO NSW submission
- [Draft Biodiversity Conservation Investment Strategy](#) – EDO NSW submission
- [Marine Biodiversity: Beyond National Jurisdiction](#) – HSI, EDO NSW, Australian Committee for IUCN
- [Draft Greater Sydney Region Plan](#) – EDO NSW submission
- [Community Engagement Strategy under the Crown Land Management Act 2016](#) – EDO NSW submission
- [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

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

Local Environmental Plan tracking

- *No new listings have been placed on exhibition since the last eBulletin.*

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

The eBulletin gives 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 seek your feedback on the effectiveness of Have Your Say. You can help us by [checking out the site](#) and [completing a short three-question survey](#).

Consultations

- **Australia's Biodiversity Conservation Strategy**

Australia's Strategy for Nature has been revised to provide a long-term vision for the care and sustainable management of Australia's biodiversity from now until 2030.

Submissions are invited until Friday 16 March 2018.

[Read more and have your say »](#)

- **Better fuel for cleaner air**

The Ministerial Forum on Vehicle Emissions has released a draft regulation impact statement proposing improvements to fuel standards under the *Fuel Quality Standards Act 2000*. These changes are designed to bring Australia's fuel quality into line with international standards.

Submissions are invited until Thursday 8 March 2018.

[Read more and have your say »](#)

- **Mt Gilead Biodiversity certification**

Under section 126N of the *Threatened Species Conservation Act 1995*, Campbelltown Council has given notice of its application for the conferral of biodiversity certification on lots on Appin Road, Gilead.

Submissions are invited until Wednesday 31 January.

[Read more and have your say »](#)

Threatened Species and Endangered Ecological Community Listings

- [Crinia sloanei](#) (Sloane's froglet) – Submissions are invited until Friday 2 March 2018
- [Geocrinia alba](#) (white-bellied frog) – Submissions are invited until Friday 2 March 2018
- [Litoria castanea](#) (yellow-spotted tree frog) – Submissions are invited until Friday 2 March 2018
- [Litoria dayi](#) (Australian lace-lid) – Submissions are invited until Friday 2 March 2018
- [Litoria kroombitensis](#) (Kroombit tree frog) – Submissions are invited until Friday 2 March 2018
- [Litoria myola](#) (Kuranda tree frog) – Submissions are invited until Friday 2 March 2018
- [Litoria nannotis](#) (waterfall Frog) – Submissions are invited until Friday 2 March 2018
- [Litoria nyakalensis](#) (mountain mist frog) – Submissions are invited until Friday 2 March 2018
- [Litoria rheocola](#) (common mist frog) – Submissions are invited until Friday 2 March 2018
- [Philoria frosti](#) (Baw Baw Frog) – Submissions are invited until Friday 2 March 2018
- **Nominations invited:** Nominations are invited for species, ecological communities or key threatening processes to be considered for listing under national environment law during the assessment period starting 1 October

2018. Nominations close at 5pm on Friday 30 March 2018. For further information, contact the Species Information and Policy Section, by email epbc.nominations@environment.gov.au or telephone (02) 6274 2535.

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

- Yanga National Park, Yanga State Conservation Area and Yanga Nature Reserve Draft Plan of Management

The Yanga parks are of significance for a broad range of natural, cultural and social values including unique geological landscapes, threatened ecological plant communities, important wetlands and a rich Aboriginal and shared cultural history.

Submissions on future management directions are invited until Monday 23 April 2018

[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](#).

Major Project proposals: Invitation to comment

- [Hawkesbury](#) – Construction of new Hurlstone Agricultural High School.
- [Bella Vista](#) – Expansion of Norwest Private Hospital.
- [Cudgen](#) – Modification to Cudgen Lakes sand quarry.
- [Dolphin Point](#) – Modification in relation to residential subdivision.
- [Fifield](#) – Modification to Sunrise mine.
- [Sydney](#) – Modification to dry boat storage and marine facility.
- [Austral](#) – Modification to Ardmore Park Quarry.
- [The Rocks](#) – Refurbishment of the Harbour Rocks Hotel.
- [Marsden Park](#) – Redevelopment of the whole site for an industrial estate.
- [Gledswood Hills](#) – New Gledswood Hills Public School.
- [Muswellbrook](#) – Mount Pleasant Coal Mine relocation of approved rail spur, loop and associated coal load-out infrastructure.

- [Warnervale](#) – Planning agreement providing for monetary contribution of \$166,790 for the provision of infrastructure in relation to a residential subdivision.
- [Bengalla](#) – Modifications to the Bengalla Coal Mine Continuation project.

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

- [Rockhampton, QLD](#): Proposal to develop a utility scale solar PV plant, with the panels mounted in rows on either fixed tilt or horizontal tracking systems.
- [Perth, WA](#): Proposal to develop an estimated 1,646 residential lots, commercial development, primary school, District Open Space and parks. This will involve clearing approximately 3.3ha of black cockatoo foraging habitat including 18 potential habitat trees.
- [Marine Waters, WA, SA, Tasmania, NSW](#): Alcatel Submarine Networks (ASN) has been contracted to supply and install a submarine fibre optic cable from Perth to Sydney. This will involve disturbance of the seabed.
- [Melbourne, Vic](#): North East Link to connect the Western Ring (M80) to the Eastern Freeway and include works along the Eastern Freeway. Populations of Matted Flax-lily are expected to be impacted.

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](#). [Common Ground](#) is the NSW Government's online tool to help you find information about current exploration and mining activity in your area. 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

Women's Environmental Leadership Australia (WELA)

WELA is a leadership program which aims to address the ways in which women's crucial leadership is undervalued and often not reflected in formal positions in the environment movement. The program includes residential retreats, mentoring sessions, small group action learning projects and more.

The 2018 program will run from April to October. The deadline for applications is Wednesday 21 February. An online information session will be held on Tuesday 6 February at 7pm AEDT.

For queries, email welaprogram@gmail.com or phone India on 0403 198 959.

[More information »](#)

Imagining a Different Future – Overcoming Barriers to Climate Justice

This multidisciplinary conference will examine the barriers to responding to climate change and implementing climate justice and propose ways forward.

When: Thursday 8-Saturday 10 February 2018

Where: University of Tasmania, Hobart

[More details »](#)

2018 Environmental Law Symposium

The Legal Practice Section of the Law Council of Australia will be hosting the 2018 Environmental Law Symposium at the NSW Law Society. The event will include a special presentation honouring the contribution of Justice Murray Wilcox AO QC to environmental jurisprudence in Australia.

When: Thursday 19 April 2018 11:45am – late (dinner)

Where: NSW Law Society 170 Phillip St Sydney

[Read more »](#)

2018 Mahla Pearlman Oration

The Legal Practice Section and the Environment and Planning Law Association of NSW will be co-hosting this event. The oration will be delivered by former Chief Justice of the High Court, the Honourable Robert French AC, who will be introduced by Justice Pepper.

The oration will also include the presentation of the Mahla Pearlman Australian Young Environmental Lawyer of the Year Award.

When: Thursday 19 April 2018 5:00pm – 7:00pm

Where: Federal Court of Australia, Sydney

[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 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 »](#)

[Make your donation online here »](#)

[Subscribe to this weekly eBulletin.](#)