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## EDO NSW EBULLETIN – 22 September 2017: Number 1024

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 NSW case update - Residents Against Intermodal Development Moorebank Inc v NSW Minister for Planning and Qube Holdings Ltd**

Our case for Residents Against Intermodal Development Moorebank Inc (RAID) will be in Court next month, with hearing dates set for 25-27 October. RAID will ask the Court to re-examine the development consent for Qube's intermodal facility, primarily because the original approval did not take into account the discovery on the site of a small native shrub – *hibbertia fumana* - which had until that point been presumed to be extinct. The shrub is now listed as critically endangered and its only known population is on the site of the planned intermodal facility.

Last week the Land and Environment Court ruled on an application by Qube to dismiss the proceedings. Qube argued that RAID does not have legal standing to bring the case before the Court. The Court found that RAID does have standing, but Qube is appealing this decision in the NSW Court of Appeal which will hear arguments on Wednesday 27 September, at 10.15am.

We will update you on the outcome of the application to dismiss the case in future eBulletins.

[Read more »](#)

#### **EDO NSW case update: 4nature v Centennial Springvale Pty Limited**

A hearing date has been set to determine what the final orders will be following our client, 4nature's, recent success in the NSW Court of Appeal.

The Court of Appeal found that the Planning Assessment Commission should never have approved the proposed expansion to the Springvale coal mine because the law

prohibits the approval of developments within the Sydney Drinking Water Catchment unless the consent authority is satisfied that they will have a neutral or beneficial impact on water quality.

The Court of Appeal then remitted the matter back to the Land and Environment Court which will decide what final orders to make regarding the mine.

The matter will be heard on 16-17 October 2017.

[Read more »](#)

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## **Court and Compliance Watch**

### **Transport company fined after urea spill**

The NSW Environment Protection Authority (EPA) has fined Linx Logistics Pty Ltd (Linx) after a urea spill occurred at one of the company's facilities at Kooragang Island in Newcastle.

On 16 August 2017 the EPA attended the site after hours when it was closed and noticed a large amount of urea spilt near the facility's exit. The spill had been tracked by vehicles into the kerb and gutter which leads to an open stormwater drain. Although Linx took quick action to clean up the spill, the company had previously been issued with three official cautions related to water pollution. The EPA fined Linx \$15,000 as a result of the spill.

### **Quarry fined for illegal quarrying activity**

The NSW Environment Protection Authority (EPA) has fined Stoneco Pty Ltd for extracting quarry material in the Upper Hunter without a required environment protection licence (EPL).

Over a four year period beginning in July 2013, Stoneco extracted material from Robertson's Knob Quarry in excess of the level that requires an EPL. Quarry operations require an EPL if extraction exceeds 30,000 tonnes in any year. Stoneco unlawfully extracted over 160,000 tonnes of material over a four year period without holding an EPL.

The EPA fined Stoneco \$15,000 for the offence. Stoneco no longer operates the quarry and the current operator holds an EPL for the current quarrying activities.

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## **Law Reform and Policy Watch**

### **Draft management plans for Australian Marine Parks that are managed by Parks Australia**

EDOs of Australia has made a submission on the draft management plans for Australian Marine Parks that are managed by Parks Australia (see: [www.parksaustralia.gov.au/marine](http://www.parksaustralia.gov.au/marine)).

This is the latest stage of the long running review of marine bioregional planning at the national level. We are extremely concerned by the low levels of protection for marine environments proposed in the current draft management plans and zoning arrangements. These levels are significantly reduced from previous proposals and will not ensure the comprehensive adequate and representative system of marine reserves that is needed. This submission focuses on issues of concern that apply across all draft management plans and Marine Parks, namely:

- Proposal to change from Marine Reserves to Marine Parks;
- Proposed zoning arrangements; and
- Proposed management actions.

[Find this and past submissions on marine reserves here.](#)

### **Recent EDO submissions and reports**

- [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](#)
- [Draft Water Management \(General\) Regulation 2017 – EDO NSW submission](#)
- [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](#)
- [NSW biodiversity and land management reforms draft regulations and products - 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](#)

- *Local Land Services Amendment Bill 2017*

This Government Bill seeks to amend the *Local Land Services Act 2013* to make further provision with respect to the management of Local Land Services and other services.

[Read the Bill »](#)

- *Parramatta Park Trust Amendment (Western Sydney Stadium) Bill 2017*

This Government Bill seeks to enable land to be swapped between the Parramatta Park Trust (the Trust) and Venues NSW for purposes associated with the Western Sydney Stadium and to enable the Trust, with the approval of the Minister, to lease trust lands for the purposes of, or for purposes connected with, the operation and maintenance of an aquatic leisure centre.

[Read the Bill »](#)

### Local Environmental Plan tracking

- [Ku-Ring-Gai](#) – Planning proposal to rezone land at 9, 15 and 17 Dumaresq Street, Gordon from Community to Operational.
- [Ballina](#) – Planning proposal to rezone land at 9 Byron Bay Road, Lennox Head from Primary Production to Low Density Residential with a minimum lot size of 600m<sup>2</sup>.
- [Fairfield](#) – Planning proposal to rezone land on 686 Cabramatta Road West, Bonnyrigg from Low Density Residential to Medium Density Residential.
- [Camden](#) – Planning proposal to amend the Camden LEP to insert an additional permitted use for a Medical Centre for land at 2 Ironbark Avenue.

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.

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### 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

- **Increasing the Supply of Affordable Housing**

The Federal Government is seeking public consultation on draft legislation aiming to increase private and institutional investment in affordable housing.

Submissions are invited until Thursday 28 September 2017.

[Read more and have your say »](#)

- **Waste and Resource Recovery Strategy**

The Environment Protection Authority (EPA) is seeking feedback on the draft NSW Waste and Resource Recovery Infrastructure Strategy 2017-2021.

The EPA Waste and Resource Recovery (WARR) Strategy 2014-21 sets targets for the diversion of waste from landfill, increasing from 63% in 2014-15 to 75% by 2021.

Submissions are invited until Monday 20 November 2017.

[Read more and have your say »](#)

- **Rhodes East Priority Precinct**

The Department of Planning and Environment, in conjunction with the City of Canada Bay Council, has prepared a draft Priority Precinct Plan to identify opportunities for new homes, a new school, community facilities, shops, cafes and improved access to the Parramatta River foreshore with the aim of revitalising Rhodes East. Submissions are invited until Friday 10 November 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**

- [Shellharbour](#) – Proposed amendments to the Concept Plan Approval for the Shell Cove Boat Harbour Precinct – Submissions invited until Friday 29 September 2017.
- [Blackmans Flat](#) – Modification proposal to revise the existing noise criteria, increase the amount of coal that can be received from Springvale Coal Mine from 4.5Mtpa to 5.5Mtpa and establish an additional coal stockpile at the

Springvale Coal Services Site – Submissions invited until Tuesday 3 October 2017.

- [St Marys](#) – Proposal to extend an existing processing shed at 25 Dunheved Circuit into 21 Dunheved Circuit – Submissions invited until Friday 13 October 2017.
- [Kooragang](#) – Proposal to construct a LPG storage and cylinder filling and small truck loading facility on Egret Street – Submissions invited until Monday 16 October 2017.
- [Blacktown](#) – Developer monetary contribution for the provision of designated State public infrastructure and services at Archbold Road, Eastern Creek – Submissions invited until Tuesday 17 October 2017.
- [Kellyville](#) – Proposal to develop a new primary school for 1000 students, including a two-storey school building, playgrounds and multi-court – Submissions invited until Thursday 19 October 2017.
- [Redfern](#) – Proposal to construct a 24-storey student accommodation building within Precinct Three of the Pemulwuy development. There is a [Concept Plan Modification](#) attached to this proposal – Submissions invited until Friday 27 October 2017.
- [Sydney](#) – Proposal for a ballroom addition and hotel upgrade at the InterContinental Hotel – Submissions invited until Friday 27 October 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**

- [Bindoon, WA](#) – Proposal to construct a 48km section of Great Northern Highway to provide a bypass around Bindoon Hill and the town of Bindoon – Submissions are invited until Thursday 5 October 2017.
- [Jimboomba, QLD](#) – Proposal to install a single vehicle access driveway and underground power cable connection for rural residential purposes – Submissions are invited until Friday 10 October 2017.
- [Lakelands, WA](#) – Proposal to develop part of Lot 105 Stock Road for urban-residential purposes – Submissions are invited until Wednesday 4 October 2017.
- [Warwick, QLD](#) – Proposal to develop and operate a Granite Dimension Stone Mine within the South Downs Regional Council – Submissions are invited until Wednesday 4 October 2017.
- [Kamarunga, QLD](#) – Proposal to reconfigure land on Douglas Track Road to create 17 residential allotments with associated infrastructure – Submissions are invited until Tuesday 3 October 2017.
- [Canberra, ACT](#) – Proposal for repatriation of the Willandra ancestral remains (human skeletal) from Canberra to Mungo National Park – Submissions are invited until Friday 29 September 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](#).

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## **Community News**

### **Renewable Reinvention: A green global shift**

What are the opportunities and challenges Australia and the world face in the coming decade as we try to kick our fossil fuel habit and embrace a cleaner, more sustainable energy future?

This Sydney Ideas event will bring together three expert speakers on the potential for renewable reinvention and a global green shift.

When: Wednesday 27 September, 6.00 - 7.30pm

Where: Law School Foyer, New Law School, Eastern Avenue, University of Sydney

[Read more »](#)

### **Green-Go Short Film Contest 2017**

The 7<sup>th</sup> edition of this short film competition aims to showcase movies that raise awareness about specific problems or show solutions. The contest has reached nine

million people, with applicants from more than 40 countries. This year's categories target environmental issues and the Earth's future.

Applications close 1 October 2017.

[Read more »](#)

### **PIAC advocacy workshops**

The Public Interest Advocacy Centre is holding a two day workshop on planning 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 »](#)

### **National Flying-fox Forum**

Hosted by EIANZ and the Ecology Special Interest Section

When: Wednesday 25 October, 8:00am-8:00pm

Where: Club York, Level 2, 99 York St, Sydney

[Read more »](#)

### **Environmental Justice Conference 2017**

Sydney University has released a draft program for the Environmental Justice Conference 2017.

The 2017 conference will provide a retrospective 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 »](#)

### **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**

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 »](#)

### **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 »](#)

### **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 »](#)

### **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 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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