



Protecting Your Local Environment: What you need to know & how to have your say

Nelson Bay

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About EDO NSW

- Community legal centre specialising in public interest environmental law
- Independent from Governments
- Service NSW - Offices in Sydney & Lismore
 - Legal Advice and Casework
 - Policy & Law Reform
 - Community Legal Education (Outreach)
 - Indigenous, Scientific and International programs
- Australian Network of EDOs

Free initial legal advice, website, fact sheets and updates

- Free Environmental Law Line Monday-Friday
 - 1800 626 239
- Fact sheets and other resources
- Free weekly eBulletin – updates on environmental law, policy and decisions



Support our work

- Your support for EDO NSW will help us to:
 - Provide legal advice and representation
 - Promote changes to environmental laws
 - Provide community legal education
- Donations are tax deductible
- <http://www.givenow.com.au/edonsw>

Workshop overview

- Commenting on environmental decisions
- Gathering Information
- Tips on being effective
- Examples:
 - Planning and developments
 - Native Plants and Animals
 - Mining and Coal Seam Gas



Image: Howard Lake

Information, not advice

- The information contained in this workshop is a guide only and is no substitute for legal advice relating to your particular issue.
- If you need legal advice about your particular issue, please call our Environmental Law Line.

COMMENTING ON ENVIRONMENTAL DECISIONS

E D O

Advantages of public participation

1. Real environmental outcomes can be achieved
2. The decision benefits from local knowledge
3. Community becomes a key stakeholder (not just industry and government)
4. Public has greater buy-in and ownership of the law or policy objectives
5. Improves transparency and accountability

Barriers to public participation

1. Finding out about opportunities to comment
2. Finding the time to engage
3. Having relevant understanding of the issues or processes involved

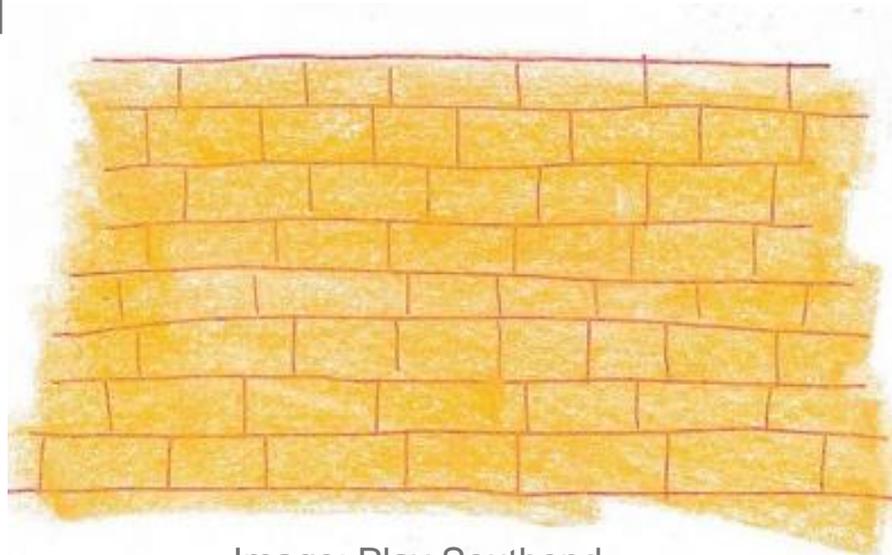


Image: Play Southend

Have Your Say

A community guide to influencing environmental outcomes

[View current opportunities to have your say now](#)

Law and policy has a critical role to play in the sustainable management of the environment and there are many laws and policies aimed at this. Successful environmental policy depends on good regulation, which in turn requires community engagement. The importance of community engagement and public participation is recognised in many of our environmental laws. This resource aims to facilitate community engagement in environmental decision-making processes, and by doing so help to achieve the objectives of environmental laws.



PAGES IN THIS SECTION:

[Have Your Say](#)

[Have Your Say Now - Current Opportunities](#)

[Ongoing Opportunities to Have Your Say](#)

[How Can I Have My Say?](#)

[How Does the System Work?](#)

[How Do I Gather Information?](#)

[What is Environmental Law?](#)

[Tips from our Experts](#)

[Tell Us What You Think](#)

[Request a Workshop](#)

LEGAL HELP

There are opportunities for the public to contribute opinions and knowledge to:

1. Shape environmental **laws**
2. Shape plans and **policies**
3. Respond to **specific applications**
4. Monitor and enforce environmental regulation

Public participation requirements

- Can be mandatory. e.g. – the requirements for making LEPs

Environmental Planning and Assessment Act 1979 No 203

Current version for 3 January 2014 to date (accessed 29 January 2014 at 13:49)

[Part 3](#) > [Division 4](#) > [Section 57](#)

<< page >>

57 Community consultation

- (1) Before consideration is given to the making of a local environmental plan, the relevant planning authority must consult the community in accordance with the community consultation requirements for the proposed instrument.

- Can be discretionary - e.g. – the requirements for making SEPPs

Environmental Planning and Assessment Act 1979 No 203

Current version for 3 January 2014 to date (accessed 29 January 2014 at 13:51)

[Part 3](#) > [Division 2](#) > [Section 38](#)

<< page >>

38 Consultation requirements

Before recommending the making of an environmental planning instrument by the Governor, the Minister is to take such steps, if any, as the Minister considers appropriate or necessary:

- (a) to publicise an explanation of the intended effect of the proposed instrument, and
- (b) to seek and consider submissions from the public on the matter.

Common methods of having your say

- Written submissions
- Appearing before a panel or inquiry
- Attending workshops and information sessions



Image: City of Calgary

GATHERING INFORMATION

EDDO

Importance of gathering information

Information was key in our issue. We needed to talk to the right people and ask the right questions. Policy and legislation had to be understood, or as best we could. Information from Council, correspondence and file notes in regards to the dealings with the sand mining company were obtained under access to information laws. The AustLII library was helpful in reviewing how the Land and Environment Court had determined other matters involving a sand mining operation. The internet was a valuable resource. I found conference notes posted by some of the government employees which gave insight into what was important to them. Information such as survey maps were obtained from the Historical Society. Basically we had enough information to support our position and have informed conversations with the various officers.

- Sue Chivers, Terara resident

Common methods of informing the public

- For new or changes to law/policy
 - Issues papers
 - Discussion Papers
 - Green and White papers
- For Plans and Policies
 - Draft plans such as planning proposals and draft Plans of Management
 - Draft regional strategies or draft SEPPs
- For specific applications
 - Development Applications and Environmental Assessments

Evidence gathering

- It's important to be able to support your claims with evidence
 - photographs and videos
 - collecting physical evidence such as water samples
 - note-taking
 - collecting documentation relevant to the issue
 - Legal research



Image: Michael L. Baird

Legal resources and research

- Legislation and regulations
 - Vast amount of environmental law in NSW and Federally
 - There can be more than one law applying to a situation
 - All federal and State legislation and regulation is online
- Case Law
 - Finding a case with similar facts to your own situation can help in understanding how the law is applied
 - Search for key words or cases by name
- Legal research
 - Legal Information Access Centre
 - Assistance with legal research

Information from Parliament

- Hansard
 - A record of what is said in Parliament
- Parliamentary Committees and inquiries
 - Various topics - Environment, Agriculture and Industry, Rural and Regional Affairs and Transport
 - Great source of information, and opportunity to Have Your Say
- Questions in Parliament
 - Questions without notice
 - Questions on notice



Information from Government

- Government websites
- Informal requests - Freedom of Information Officer
- Formal requests (fee)
 - Freedom of Information laws (Federal level)
 - GIPA laws (State/local level)
- Assistance
 - Office of the Australian Information Commissioner
 - Information and Privacy Commission

TIPS ON ENGAGING EFFECTIVELY

EDDO

Writing an effective submission

- Introduce yourself or your group. What is your background and experience?
- Explain why are you interested in and how you will be affected by the development.
- Personalise the submission – it's OK to sign pro forma submissions, but ensure you personalise it a bit.
- Talk about how the proposal will affect
 - you;
 - the environment;
 - the local economy;
 - social factors.

Writing an effective submission

Read proposal and supporting documents



Identify key issues/concerns



Clearly set out your concerns and support with facts/evidence



Tell the decision maker what you want them to do



Submit before deadline or request extension

Insider tips

Keep submissions on-topic. Give insights into analysis or experiences from elsewhere that make your case. Point to innovative ideas. Make your submission short and punchy. Get the reader engaged early. Be objective and outcome focussed. Have a civilised and interesting conversation. Include a summary at the top of your submission. Use headings within your submission to structure your argument. Use clear language. One idea per paragraph. Put your idea in the first sentence, then explain it in the rest of the paragraph. Think about your strategy. What will motivate people?

- Tom Grosskopf, Director Metropolitan Branch, Regional Operations, Office of Environment and Heritage

Insider tips

It is helpful to council if you can put forward a realistic alternative. For example, say that you are opposed to a development of this scale, and that you would like to see a smaller alternative. Give councillors a way forward that is workable and acceptable.

- Simon Clough, Deputy Mayor, Lismore City Council

Insider tips

Offer constructive criticism. Keep to the topic and be concise in your arguments. Council officers sometimes have to sift through hundreds of letters giving feedback. Short, relevant, and timely points of view are appreciated and have a better chance of being prioritised.

Earn your right to criticise. This means your arguments need to be validated by good quality research and understanding of the subject area which you seek to influence. Make reference to key documents to support your argument rather than relying on personal opinion or hearsay.

- Dr Jenny Scott, Sustainability Program Leader, Ku-ring-gai Council

Follow up on your submission

Arrange a meeting with the Department

There is no substitute for a face-to-face meeting, even if you have already made a written submission. Try to meet with the Department to discuss your submission. Have they read it? What do they think? Get some feedback about the effectiveness of your submission. This meeting is a second opportunity for you to explain your position, and respond to what the Department thinks about it.

- Warwick Giblin, Environmental & Social Adviser,
OzEnvironmental Pty. Ltd

Pro-forma submissions

Writing submissions is not a popularity contest. Decision-makers will take a good idea from one person over a bad idea from many people every day. Pro-forma submissions can be effective at the start of a campaign, for example if you are trying to change the views of politicians so that they understand the depth of feeling across a community that an idea is not supported.

*However, you need to follow this up by writing your own submission to engage people and tell them what idea would be better. So, pro-forma **then** written submission.*

- Tom Grosskopf, Director Metropolitan Branch, Regional Operations, Office of Environment and Heritage

Appearing before a panel/inquiry

- Keep in mind the terms of reference
- You may need to register your intention to address the panel beforehand
- Stick to any time limits
- Speak clearly and try not to speak too fast
- Practise beforehand
- Dress formally and be on time



Image: SIAcademy

Insider tips

Planning Assessment Commission Meetings & Hearings

Public meetings

The purpose of a public meeting is to allow the PAC to hear from people interested in the proposed development in the context of the Director-General's Environmental Assessment Report and Recommendations before a decision is made on the application. Therefore people should look at these before attending a public meeting. Do these documents actually address your concerns? If not, where are the shortfalls and inadequacies? The PAC also wants people to look at the approval conditions proposed by the Department. Have your concerns been adequately covered and reflected in those conditions?

Insider tips

Public hearings

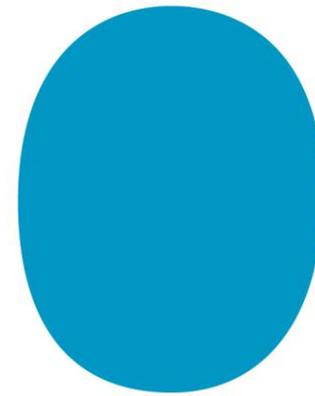
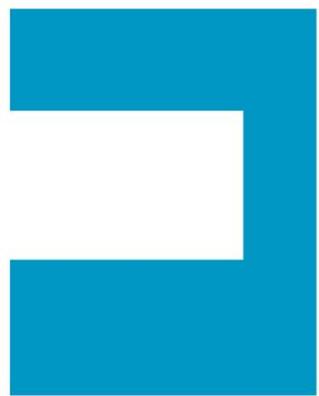
Public hearings generally occur as part of a review of a major development proposal. The purpose of a public hearing is to allow interested parties, particularly those who are potentially affected by the development, with an opportunity to present their views to the PAC. The scope of what can be discussed depends on the terms of reference for the review and the public hearing. The review and public hearings are part of the assessment process. The PAC review report and recommendation will be referred back to the Department for it to finalise its assessment of the proposal.

- Paula Poon, Director, Commission Secretariat, Planning Assessment Commission

Attending workshops and information sessions

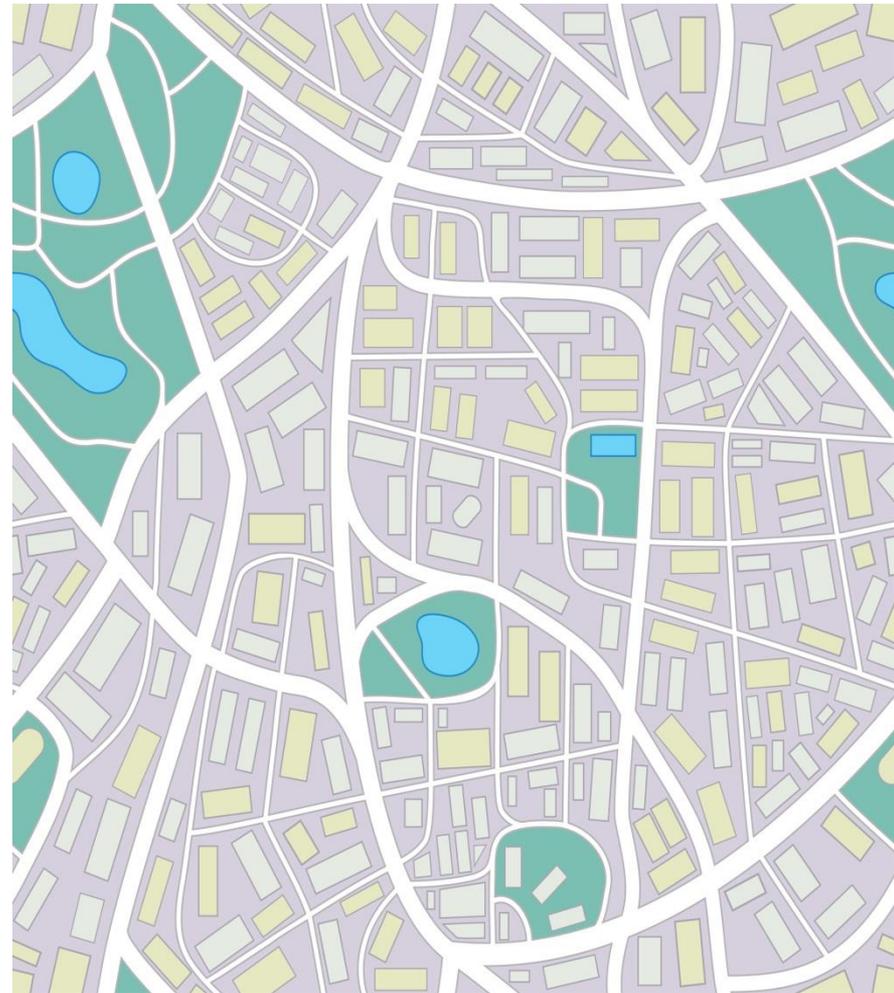
- There may not be a formal opportunity to give feedback but presenters often get a feel for public opinion at these sessions
- Take opportunity to learn as much as you can about the proposal by asking questions and taking notes
- There is often a formal opportunity to have a say later on

EXAMPLES



Planning and development

- There are generally three types of opportunities for the public to have a say about building and development:
 - at the strategic planning and policy making stage;
 - at the development assessment stage; and
 - after development consent has been given.



Major planning law reform underway

- About Us
- Planning your Region
- Planning your Local Area
- Delivering Homes
- Building in NSW
- Development Proposals
- Policy and Legislation

Home > Policy and Legislation > Planning For Our Future

A A

- About Us
- Planning your Region
- Planning your Local Area
- Delivering Homes
- Building in NSW
- Development Proposals

Policy and Legislation

- Legislation and planning instruments
- Planning For Our Future
 - How we listened to you
 - The Case for Change
 - Everyone Gets a Say
 - Certainty in the Planning Process
 - Local Planning for Local Communities
 - Resources
 - Your questions answered
- Previous stages of planning review
- Plans and Policies register
- Circulars and guidelines
- Development Contributions System
- Nation Building Economic Stimulus Plan
- Government Agreements and Forums
- Economic Growth and Competition
- Renewable Energy
- Telecommunications



How we listened

We've made important changes to the new planning legislation in response to your feedback.



Planning for our future

The NSW Government will undertake further consultation before the NSW Parliament reconsiders the Planning Bill in 2014.

The debate on the Planning Bill was deferred by the NSW Lower House on 28 November 2013, until the Parliament sits again next year.

The NSW Government is committed to delivering a new planning system for NSW – a modern and easy planning system for the 21st century that will put you, the community, first.

Responding to proposed plans and policies

- The Department of Planning and Infrastructure Plans and Policies Register



Planning & Infrastructure

Draft Plans and Policies

Home > Draft Plans and Policies

Introduction

On Exhibition

Under Consideration

Made/Finalised

Draft Plans and Policies on exhibition

Review of Sutherland draft local environmental plan

Exhibition

State Environmental Planning Policy (Infrastructure) Amendment (Sport and Recreation) 2013

Exhibition

Proposed amendment to the Western Sydney Employment Area

Exhibition

BASIX Target Review

Exhibition

Building Professionals Board report: Building Certification and Regulation - serving a new planning system for NSW

Exhibition

Paper subdivisions: Exhibition of draft Environmental Planning and Assessment Amendment (Subdivision Works) Regulation 2013

Exhibition

Draft planning circular: advice on coastal hazards

Exhibition

Responding to proposed plans and policies

- Case study: Responding to coastal management reforms

- Water quality
- + Waterwatch
- + Stormwater
- + Beachwatch programs
- + Water pollution and treatment
- + Wetlands
- + Water for the environment
- Coastal and floodplain management
- Coastal zone management
- Coastal erosion management
- Coastal management reforms**
- Questions and answers
- Coastal management documents
- + Estuaries of NSW
- Coastal protection regulation
- + Floodplains
- + Coastal, estuary and floodplain management grants
- NSW Coastal Panel
- + Thirlmere Lakes inquiry

▶ Coastal reforms overview

The NSW Government is addressing community concerns about coastal management arrangements in NSW by conducting a two-stage coastal reform process.

Stage 1 of the NSW Government's coastal management reforms is now largely complete. Stage 1 focused on providing some regulatory relief to landowners and councils dealing with current erosion impacts. This included giving councils the flexibility to consider coastal hazards in the context of their local circumstances and regulatory changes to allow landowners to more readily place sand or sand bags as temporary coastal protection works.

Stage 2 reforms (current stage)

Stage 2 of the reforms has a strategic focus and is closely linked to the current planning reforms and local government reviews. The Coastal Ministerial Taskforce has approved the scope of the stage 2 reforms, which are intended to deliver longer term improvements in the management of erosion risks by councils and landowners. To this end, the NSW Government is now preparing more detailed proposals in three key areas:

- establishing a simpler and more integrated legal and policy framework for coastal management
- providing improved guidance and technical advice to councils, while enabling and supporting local decision making
- identifying potential funding options, particularly to implement coastal asset management strategies.

Community and stakeholder input to this process will be vital, and consultation on specific proposals will occur later this year.

The stage 2 reforms will continue to be overseen by relevant Government Ministers with input from the Coastal Expert Panel.

Responding to proposed plans and policies

- Port Stephens Council What's on Exhibition

The screenshot shows the Port Stephens Council website. At the top, there is a navigation menu with links for 'Community Directory', 'News', 'What's On', 'Contact', and 'Featured Programs'. Below this is a banner featuring the council logo and a family photo. A secondary navigation bar includes 'Home', 'Council', 'Community', 'Recreation', 'Library', 'Safety', 'Environment', 'Planning and Building', 'Roads', and 'Culture & Tourism'. The left sidebar contains a list of links: 'Contact Council', 'Access to Information', 'About the Council', 'Venues', 'Community Consultation', 'Council Meetings', 'Councillor Development Program', 'Fees & Charges', 'Policies & Plans', 'Positions Vacant', 'Publications & Information', and 'Rates Information'. The main content area is titled 'What's On Exhibition' and includes the following text:

[Council](#) ▶ [What's On Exhibition](#)

What's On Exhibition

Below you will find any documents that are currently on Public Exhibition. Items on Public Display or Exhibition at the Council Administration Building on Adelaide Street, Raymond Terrace.

Port Stephens Council does not place documents related to Development Applications on its website as much of this material is subject to Copyright laws. This includes Statements of Environmental Effects, DA plans and consultant reports.

In addition to the copyright laws, Council is also required to comply with the Privacy and Personal Information Protection Act 1998.

However, Council does make the applications available for inspection at the Administration Building and at the Tomaree Council library.

[Soldiers Point Marina Extension](#)

Case study: Commenting on draft LEP

Community Directory News What's On Contact Featured Programs

Port Stephens
C·O·U·N·C·I·L

FAQs



Home Council Community Recreation Library Safety Environment Planning and Building Roads Culture & Tourism

Building and Construction

Planning and Building > Local Environmental Plans (LEP) > Port Stephens Local Environmental Plan 2013

Development Assessment

Port Stephens Local Environmental Plan 2013

Development Contributions

The aim of the Port Stephens Local Environmental Plan (LEP) 2013 is to provide for the appropriate planning and environmental control over the use and development of land within the area of Port Stephens, in order to uphold and promote the objectives of the Environmental Planning and Assessment Act, 1979.

Development Control Plans (DCP)

The Port Stephens LEP 2013 will come into force on the 22 February 2014. Until then Port Stephens [LEP 2000](#) and [LEP 2010](#) (Kings Hill) remain current.

Economic Development

The Port Stephens Local Environmental Plan 2013 comprises the instrument (the written document) and maps.

Heritage

The most recent version of the LEP (document and maps) is available on the [NSW Legislation Website](#) that is maintained by the NSW Parliamentary Counsel's Office. Once at the website, follow the directions outlined below:

Local Environmental Plans (LEP) >

In the section "Environmental Planning Instruments in Force", select "P"
Click on "Port Stephens Local Environmental Plan 2013"

Maps

Planning Certificate

Contact Details

Planning Strategies

Customer Relations
Phone: 02 4980 0255
Fax: 02 4987 3612
Email: council@portstevens.nsw.gov.au

Responding to proposed developments

- State Significant Development



Planning & Infrastructure

Major Project Assessments

[Home](#) > [Development Assessments](#) > [Major Project Assessments](#) > Search

Development Categories
State Significant Sites
Planning Agreements
On Exhibition
Determinations
Recommendation Made
Help
Lodge Online

Search Projects

Project Title or Location Name

Local Government - All

Site Type - All

Assessment Type - All

EA Exhibition

Decider - All

Date Determined

From: to:

(Leave blank for any dates)

Search Results

The University of Sydney: Camperdown-Darlington Campus SSD 13_6123 Campus Improvement Program 2014-2020 for Camperdown-Darlington Campus	EIS Exhibition
Royal Rehabilitation Centre Sydney Modification to Concept Plan 05_0001	EA Exhibition
Aspen Creek DA 6368, Aspen Creek (Apartments 4 & 5), Thredbo - Minor alterations and additions to existing apartments	SEE Exhibition
Meadowbank Employment Area Modification 1 to MP09_0216 - Concept Plan - Mixed Use Residential, Commercial/Retail Development, Meadowbank & Ryde (MP09_0216 MOD1)	EA Exhibition
Meadowbank Employment Area Modification 1 to MP09_0219 - Project Application - Residential Development, Ryde (MP09_0219 MOD1)	EA Exhibition
Uranquinty Gas-Fired Power Station Uranquinty Power Station - Modification 11	EA Exhibition
Cronulla Marina Modification to Cronulla Marina Expansion Project - MP06_0063	EA Exhibition
Thornton North (Stage 1) Urban Release Area, Maitland Maitland Nominee Holdings Planning Agreement	Exhibition
Boali Lodge DA 6342 Lot 788 Boali Lodge, Thredbo - Alterations to existing building	SEE Exhibition

Case study: Commenting on development applications

- Development Categories
- State Significant Sites
- Planning Agreements
- On Exhibition
- Determinations
- Recommendation Made
- Help
- Lodge Online

Search Projects

Project Title or Location Name

Local Government - All ▼

Site Type - All ▼

Assessment Type - All ▼

Status - All ▼

Decider - All ▼

Date Determined

From: to:

(Leave blank for any dates)

Hunter Industrial Ecology Park DGRs Issued

Hunter Industrial Ecology Park

Staged Development Application for Concept Approval and Stage 1 of the Hunter Industrial Ecology Park including a Waste to Energy Plant, a Materials Recovery Facility, a Community Drop Off Centre, and an Administration Centre (including a Testing Laboratory, a Research Centre, an Education Centre, and a Maintenance Facility) plus Community Title Subdivision into 23 Lots.

Attachments & Resources

- + 📁 Application and Declaration (1)
- + 📁 Director-General's Requirements (1)

Key dates and other information

	DGRs Issued
Job Status	Director General's Requirements for the environmental assessment (to be prepared by the proponent) have been issued for the project
Assessment Type	SSD
Project Type	Resource & Waste > Resource Recovery or Waste
Application Number	SSD 12_5448
DGRS Issued:	03/12/2012

Location details

Street	Mitchell Avenue
City	Weston
State	NSW



After development consent has been given

- Monitor the development to ensure compliance with conditions of consent
- This may require:
 - access to the conditions of consent,
 - any reports released by the developer,
 - independent evidence to establish a breach (water testing, noise testing, photographs etc)
- Report breaches to the consent authority e.g. the Department of Planning and Infrastructure
- Take third party enforcement action

Case study: Reporting breaches of consents



- About Us
- Planning your Region
- Planning your Local Area
- Delivering Homes
- Building in NSW

- Development Proposals
 - Development Assessment Systems
 - Get Involved
 - Major developments
 - Major project register
 - Performance Monitoring
 - Standard and Model Conditions
 - Planning Assessment Commission
 - Joint Regional Planning Panels
 - Planning reviews and panels
 - Voluntary planning agreements
 - Delegated decisions
 - Register of Development Assessment Guidelines
 - Environmental assessment policies
 - Compliance
 - Wind Farms Audit
 - Archived Compliance Reports
 - Varying Development Standards
 - Donation and gift disclosure
 - NSW Alpine Resort Development
 - Policy and Legislation

Compliance

- Our role
- Role of proponents
- Compliance policy and guidelines
- Compliance activity reports
- Compliance Audits
- Illawarra International Health Precinct: La Vie Developments Pty Ltd

Our role

The Department of Planning has an important role in monitoring and enforcing compliance with the Planning Minister's approvals.

To assist in its compliance functions, the Department has specialist compliance teams based in its:

- Sydney head office; and
- Singleton office (for coal mining in the Upper Hunter).

Additionally, the Department's alpine resorts team at Jindabyne also carries out compliance functions.

The Department's compliance teams conduct inspections and audits of approved projects, respond to reports and complaints received from other State agencies, local councils and members of the public, investigate potential breaches and carry out enforcement action where breaches are confirmed. Enforcement action may range from negotiated outcomes, warning letters, penalty notices and in the most significant cases, criminal prosecutions.

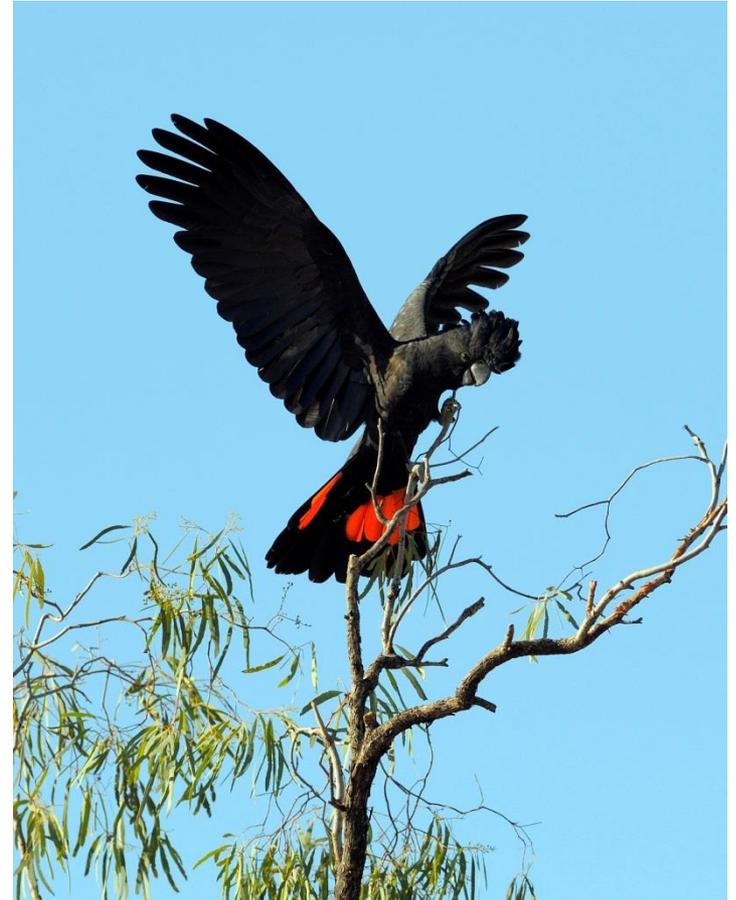
The Department's compliance teams also:

- Review compliance reports and independent audits where they are required to be provided by proponents of approved projects, and take follow-up action in response to potential breaches;
- Maintain effective working networks with all relevant stakeholders including other State regulatory agencies, local councils, communities in the vicinity of approved projects and proponents of approved projects; and
- Investigate broader policy responses to key emerging compliance issues.



Native Plants and Animals

- Native plants and animals are protected by both State and Federal laws
- There are many opportunities to have a say about biodiversity conservation
 - Overarching strategies
 - Protected areas
 - Species protection
 - Planning mechanisms
 - Monitoring and enforcement



Comment on overarching strategies

- Draft NSW Biodiversity Strategy 2010-2015
- Biodiversity Management Planning
- Regional Conservation Plans
- Australia's Biodiversity Conservation Strategy 2010-2030
- National Framework for the Management and Monitoring of Australia's Naïve Vegetation
- Strategy for Australia's National Reserve System 2009-2030
- National Principles for Rangelands Management

Case Study: Draft NSW Biodiversity Study

Sixty three submissions were received from a range of stakeholders, including non-government organisations, catchment management authorities (CMAs), local councils and industry groups. The following table outlines the key issues raised by a number of stakeholders and the response to these issues in the draft NSW Biodiversity Strategy 2010-2015.

Main issue	Response in Draft NSW Biodiversity Strategy (the Draft Strategy)
<p><i>Regional delivery</i> CMAs have a major role in delivering conservation across the landscape and engaging communities. This current regional delivery model should not be compromised.</p>	<p>The draft Strategy reinforces the role of existing delivery frameworks through CMAs and local government. Partnerships are encouraged using the existing regional structures through integration of Priority Areas for native vegetation management into catchment action plans (CAPs). The Regional Conservation Initiative (RCI) has not been pursued.</p>
<p><i>Better alignment with existing processes and legislation (e.g. planning legislation, CMA catchment action plans)</i> There needs to be clear links to existing planning legislation and mechanisms.</p>	<p>The draft Strategy proposes to strengthen the capacity of urban settlement planning processes to avoid, minimise and, if necessary, offset the impact of new urban growth on biodiversity (Objective 6). This should result in an improvement in the efficiency and effectiveness of development assessment processes.</p> <p>New CAPs are being developed over the next 12-18 months and the new Biodiversity Strategy is one of the State Policies/Plans that the new CAPs are to be aligned with. The Priority Areas for native vegetation management, and several other actions that will inform the new CAPs, are provided for each CMA.</p>
<p><i>Measurable targets/performance indicators</i> The draft Strategy should have targets and performance measures.</p>	<p>The draft Strategy incorporates a number of measurable targets and proposed reporting on the draft Strategy targets. Appendix 5 outlines the relationship between the draft Strategy targets and the range of natural resource management (NRM) targets, National Biodiversity Strategy targets and State Plan targets.</p>
<p><i>Accountability</i> The assignment of roles and responsibilities to objectives and actions is required</p>	<p>Responsibility for Actions in the draft Strategy are assigned to agencies, CMAs, local government and other relevant organisations. Reporting will also be assigned to agencies.</p>

Protected areas

- National Reserve System
 - State Reserve System
 - Commonwealth and State Marine Protected Areas
1. Nominate a place for protection
 2. Comment on Plans of Management
 3. Monitoring and enforcement



Image: David Barnes

Case Study: Commenting on Plans of Management

Nature Conservation

Protected areas

Different types of parks and reserves

+ Other types of protected areas

- Park management

Plans of management

Fire management strategies

National parks establishment

+ Policies

+ Aboriginal joint management of parks

+ Aboriginal joint management network

+ Managing alpine resorts

+ New parks, additions and revocations to existing reserves

You are here: [Home](#) > [Protected areas](#) > [Park management](#) > Plans of management

Plans of management

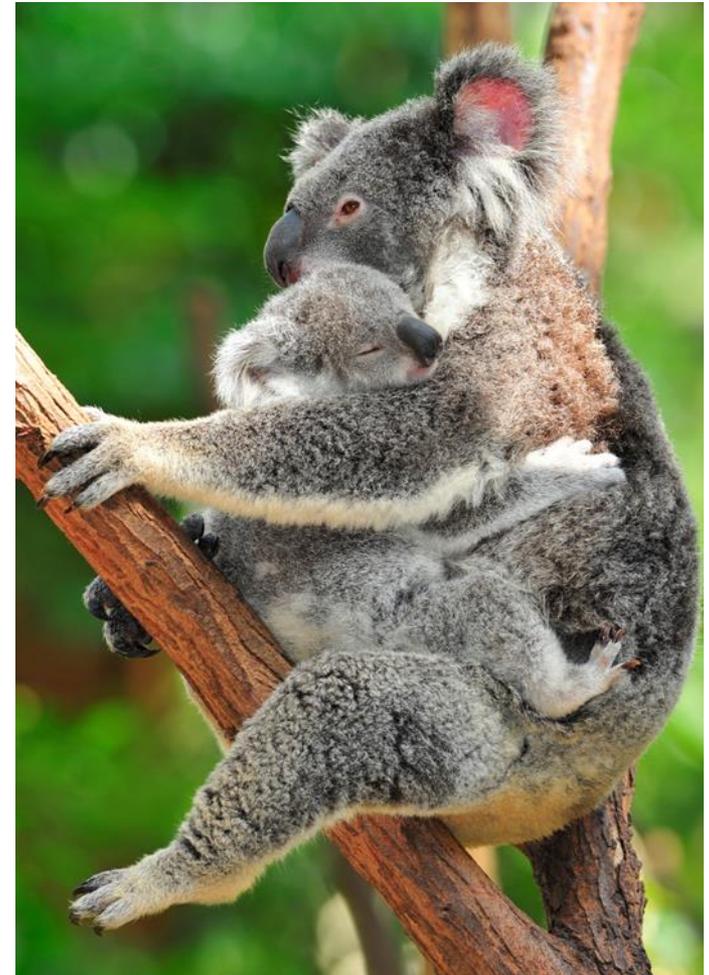
The list below includes all plans of management for parks and reserves, and can be sorted by park name, document title, document status or publication date.

Filter by status:

Park	Document title	Status	Publication date ▲	Format
Worimi National Park; Worimi Regional Park; Worimi State Conservation Area	Worimi Conservation Lands - exhibition of a draft plan of management	Draft (on public exhibition)		
Mount Grenfell Historic Site	Mount Grenfell Historic Site and proposed Mount Grenfell National Park - draft plan of management	Draft (on public exhibition)	Dec 2013	

Species protection

- National
 - Protection for nationally listed threatened species
 - Federal Government has approval role for activities that are likely to significantly effect a listed species
- State
 - Protection for native plants and animals
 - Protection for listed threatened species



Species protection

1. Nominate a species for listing on the Federal threatened species list
2. Nominate a species for listing on the State threatened species list
3. Comment on draft Plans of Management, Threat Abatement Plans, Recovery Plans etc

Case study: Commenting on Threat Abatement Plans

Public consultation

+ Public consultation archive

You are here: [Home](#) > [Public consultation](#)

Public consultation

OEH produces a range of draft plans, policies, agreements and reports that call for community involvement, engagement and consultation. These include:

- the development of legislation, policies and guidelines
- conservation plans
- wilderness declarations.

Other types of consultations include:

- [conservation agreements with a statutory authority or another minister.](#)

Development of legislation, policies, guidelines and conservation plans

Have your say on proposed legislation, policies, guidelines and conservation plans listed below, that are currently open for comment. You can also visit the [consultation archive](#) to see previous community consultations.

Exhibition closing date	Consultation
4 February 2014	Community workshop - future management of Wianamatta Regional Park
14 February 2014	Changes to the threatened species Priorities Action Statement (PAS)
Ongoing	Survey for academics and researchers who are currently involved in threatened species conservation.
Ongoing	Survey for land managers and conservation groups who are currently involved in threatened species conservation.
17 February 2014	Worimi Conservation Lands - exhibition of a draft plan of management
14 February 2014	Aboriginal cultural heritage reform
4 February 2014	Bomaderry Creek Regional Park - draft plan of management
4 February 2014	Bungong National Park and Tapitallee Nature Reserve - draft plan of management

Planning mechanisms

- Commenting on Environmental Impact Statements
- Commenting on Species Impact Statements
- Commenting on environment protection licences

Case Study: Commenting on an EIS

Major Project Assessments

Home > Development Assessments > Major Project Assessments > Search

Development Categories

State Significant Sites

Planning Agreements

On Exhibition

Determinations

Recommendation Made

Help

Lodge Online

Uranquinty Gas-Fired Power Station

Uranquinty Power Station - Modification 11

To reduce the frequency and method of the stack air emission monitoring from continuous monitoring of dioxide and nitric oxide, and from annual monitoring to 5 yearly for all additional pollutants.

Other assessments against this site:

- Modification Application 2 - Low Frequency Noise Limits (Part4Mod)
- Uranquinty Gas-fired Power Station (Part4)
- Uranquinty Gas-Fired Power Station Modification 5 (Part4Mod)
- DA 31-2-2004-i MOD 6 - Weather Mast (Part4Mod)
- DA-31-2-2004-i MOD 7 - Amendment to noise related conditions (Part4Mod)
- DA-31-2-2004-i MOD 8 - Normal Operating Conditions (Part3AMod)
- DA-31-2-2004-i MOD 9 - Water Management System (Part3AMod)
- DA31-2-2004i MOD10 - Extension of On-Site Storage Shed (Uranquinty Power Station) (Part3)

Attachments & Resources

Application and Declaration (2)

Environmental Assessment (1)

Uranquinty Power Station

NOx and Annual Stack Emission Monitoring Modification Report



Submission Report Supporting the UPS Development Consent Modification Request

Monitoring and enforcement

- There are various penalties for harming threatened species without a licence or approval
- Report breaches to the Office of Environment and Heritage (State) or the Department of Environment, Water, Heritage and the Arts (Federal)
- Third parties can challenge decisions and bring enforcement action if Government Departments make mistakes or don't act

Case Study: Challenging a decision

- **Bulga Milbrodale Progress Association Inc v Minister for Planning & Others**



Image: the globalmail.org

Mining and CSG

- There are generally four types of opportunities for the public to have a say about mining and CSG:
 - at the strategic planning and policy making stage;
 - at the title and development assessment stage;
 - land access arrangements;
 - after development consent has been given;



Image: beyond coal and gas **NSW**

Responding to policies

- Department of Planning

Recently, this Department consulted on:

Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

- Trade and Investment

Recently, this Department consulted on:

Draft code of practice for Land Access for coal seam gas and petroleum exploration

Case study: Commenting on policies



Getting the balance right: NSW land use

- ✓ Working with communities
- ✓ Protecting what's important
- ✓ Planning ahead



Trade & Investment
Resources & Energy

Code of Practice for Land Access

made under section 69DB of the Petroleum (Onshore) Act 1991.

Responding to applications



**Planning & Infrastructure**

Skip

Major Project Assessments

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Rasp Mine
Rasp Mine Mod 2

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Mining, Petroleum & Extracti

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Date Determined

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DIVISION OF RESOURCES AND ENERGY

Minerals and Petroleum

**Trade & Investment Resources & Energy**

Home > Community Information > Public Comment

Public comment on coal and petroleum titles

Public comment on coal and petroleum titles to enable members of the community to raise issues that should be taken into consideration when determining whether or not certain exploration activities can be carried out, or the conditions that should apply to any approved activities

User details

Name *

Address *

City/Suburb/Location *

Postcode *

Email address

Application Details

Application No. *

Applicant Name *

Comments

* Fields must be completed

Please complete the security key below before submitting the form.

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Privacy Statement

Information collected in this form will not be used for any purpose other than for the registration of comments regarding exhibited coal and petroleum exploration licence applications.

The department reserves the right to make all or part of any submission publicly available, however, personal information identifying an individual will be withheld from publication.

All information provided will be held by NSW Department of Trade & Investment and will be managed in accordance with provisions under the Privacy and Personal Information Protection Act 1998.

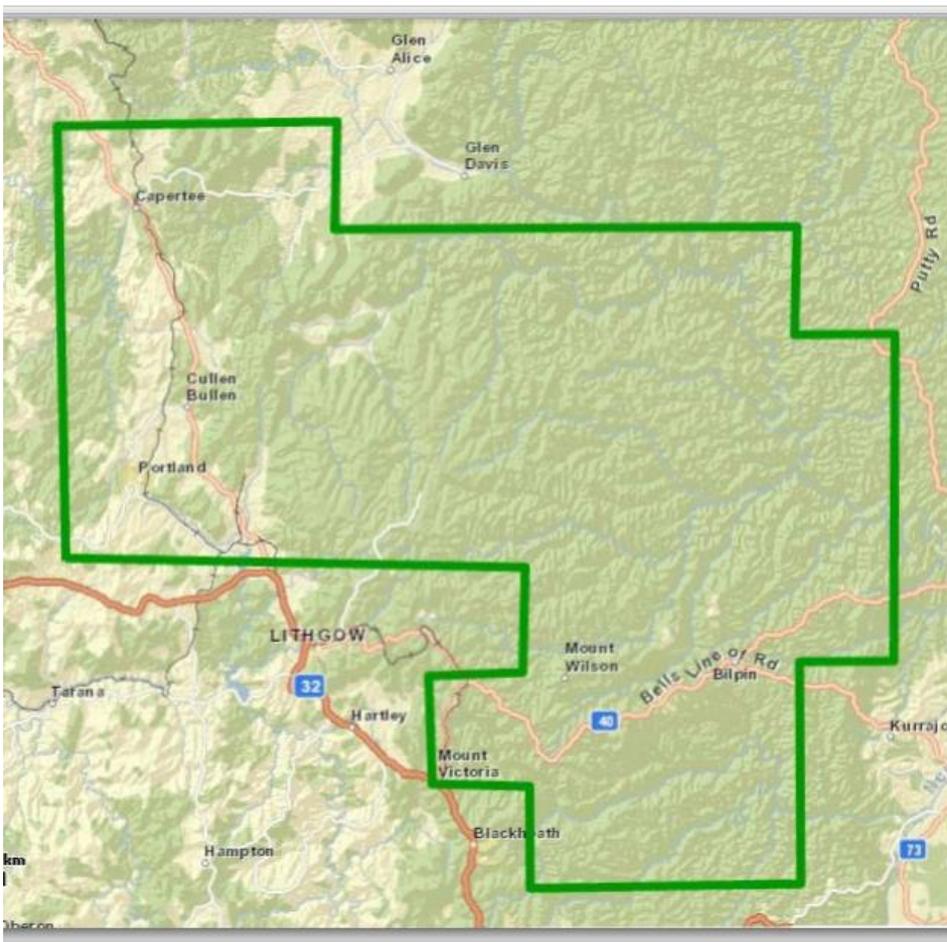
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Case study: commenting on applications

Trade & Investment NSW - Resources & Energy Division

Details of PETROLEUM EXPLOR'N LICENCE APPL'N 158 PETROLEUM (ONSHORE) ACT 1991

Main Applicant : CEEMAC PTY LTD
 Postal Address : 30 Anderson Road
 GLENNING VALLEY NSW 2261
 Other Applicants : NONE
 Agent/Contact : NONE
 Application Date : 05-DEC-2013
 Application Status : PENDING
 Application Time : 01:20PM
 Determined :
 Now Title Number :
 File Number : T13-1415
 Colliery/Mine Name :
 Postal Address :
 Current Division : ORANGE
 Applied Area : 40 BLOCKS
 Region : WESTERN
 Calculated Area : 40 BLOCKS
 Map, Blocks :
 CANBERRA 1008
 SYDNEY 937
 SYDNEY 938
 CANBERRA 1080
 SYDNEY 1009
 SYDNEY 1010
 SYDNEY 1011
 SYDNEY 1012
 SYDNEY 1013
 SYDNEY 1014
 SYDNEY 1015
 CANBERRA 1152
 SYDNEY 1081
 SYDNEY 1082
 SYDNEY 1083
 SYDNEY 1084
 SYDNEY 1085
 SYDNEY 1086
 SYDNEY 1087
 SYDNEY 1088
 CANBERRA 1224
 SYDNEY 1153
 SYDNEY 1154
 SYDNEY 1155
 SYDNEY 1156
 SYDNEY 1157



Land access arrangements

- Before mineral or petroleum exploration can happen on your property, the company must enter into an access arrangement with you.
- Required for exploration only – not required at mining/production stage.
- Access arrangement must be in place before exploration can commence.
- Landholder can negotiate access arrangement with the mining company, but this is not compulsory.
- Company can take landholder to arbitration if no agreement can be reached within 28 days.

Case study: Land access arrangements – matters to be covered

- Access routes and mining sites
- Permitted activities
- Notice of access
- Times of access
- Logbooks for entering and leaving the property
- OH&S provisions
- Indemnity
- Insurances
- Environmental protection
- Rehabilitation
- Legal costs
- Dispute resolution
- The duration of the arrangement
- The manner of varying the arrangement (including termination)
- Compensation to be paid

Case study: Land access arrangements – tips for negotiating

- Don't sign without seeking legal advice first.
- Make the arrangement as detailed as possible.
- Consider whether you want the arrangement to apply to any future mining activities.
- Come up with your own comprehensive access arrangements.
- Speak to your neighbours – agree on standard terms.
- Check for confidentiality provisions.

Monitoring and enforcement

- There are various penalties for breaching a mining or CSG title, breaching pollution laws, or failing to comply with a development consent.
- Report breaches of mining or CSG titles to the Department of Trade and Investment.
- Report breaches of pollution law to the EPA.
- Report breaches of development consent to the Department of Planning and Infrastructure.
- Third parties may be able to challenge decisions and bring enforcement action if Government Departments make mistakes or don't act.

Case study: Challenging a mining approval



Summary

- Keep on top of opportunities to have a say by signing up to receive the EDO's weekly e-bulletin
- Use the Have Your Say tool on our website to navigate to opportunities to have your say and find information and tips on how to be effective

