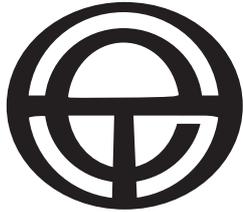


# PROTECTING THE COAST

A guide to NSW law



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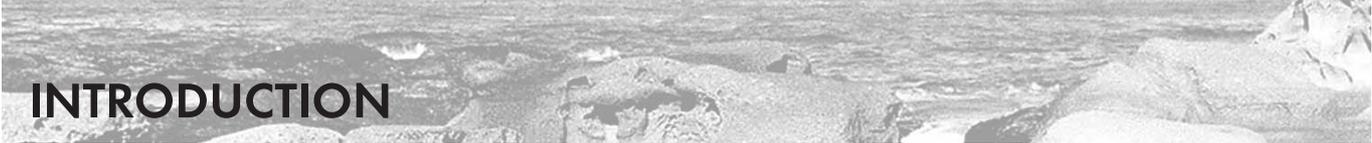
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# INTRODUCTION

Australia's coastal environment is rich in natural and cultural resources. However, it is also the focus of damaging economic, social, tourism and recreational activity. Around 86% of Australia's population lives in coastal regions and in New South Wales, the coastal population continues to expand into sensitive sites, largely in the absence of effective settlement policies, leading to urban sprawl. Environmental degradation is increasing.

NSW has a complex array of laws which are either generally or specifically designed to minimise or control these impacts. This booklet explains how these laws operate and how the community can use them to protect our coastal environment. Nevertheless the laws are not necessarily effective all (or even some) of the time and Total Environment Centre invites comments and proposals from the community about how the laws can be improved.

(For an update on coastal development pressures see our publication, 'Concreting the Coast' on our website.)

# 1. WHO IS RESPONSIBLE FOR COASTAL PROTECTION AND MANAGEMENT?



## 1.1 – LOCAL GOVERNMENT

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Local councils in coastal areas have key powers and responsibilities in relation to coastal protection and management. In particular, local councils have an important role in administering a number of State laws, including laws relating to planning and development, pollution and threatened species. For a list of local councils on the coast, see Appendix 1.

## 1.2 – STATE GOVERNMENT AND AGENCIES

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The State Government has broad powers and responsibilities in relation to coastal protection and management including State coastal waters up to three nautical miles. State laws and policies relating to planning and development have an important impact on coastal protection and management. There are also a number of environmental laws covering pollution and threatened species which are relevant in coastal areas.

## 1.3 – COMMONWEALTH GOVERNMENT AND AGENCIES

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The role of the Commonwealth Government in coastal protection and management is fairly limited. However, the Commonwealth Government does administer some environmental legislation which impacts upon activities which may be located on the coast. For example, the Commonwealth Government has laws relating to World Heritage and Ramsar-listed wetlands. Also, there are laws about nationally listed threatened species and ecological communities and migratory birds which may be found in coastal areas.



## 2. PLANNING AND DEVELOPMENT LAWS

Coastal areas have particular environmental problems due to a number of factors including population growth, urban sprawl and water pollution. Consequently, effective coastal protection requires that development be regulated. All development in NSW, including coastal development, is regulated by the *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A Act).

### 2.1 BEFORE DEVELOPMENT STARTS – PLANNING IN THE COASTAL ZONE

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Land use in New South Wales is governed by a complex series of planning instruments. Numerous plans can apply to the same piece of land. In order to work out what kind of development is allowed on a particular piece of land, it is first necessary to work out which planning instruments apply to that land.

#### 2.1.1 ENVIRONMENTAL PLANNING INSTRUMENTS

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Under the EP&A Act, how land can be used is guided by a series of plans called environmental planning instruments (EPIs). EPIs set out what can and cannot be done in the planning area. The aim is to reflect the sensitivities of different parts of the environment when laying down the guidelines for development or activities permissible in the planning area.

There are three main types of EPIs - Local Environmental Plans (LEPs), Regional Environmental Plans (REPs) and State Environmental Planning Policies (SEPPs). These have the force of law. Other planning instruments such as development control plans and master plans also guide land use. These types of plans are not legally binding but must be considered by consent authorities when making decisions about development.

Where provisions of different EPIs are in conflict, the general rule is that the most recently made one will prevail unless the EPI says otherwise. Some EPIs have provisions which give them precedence in relation to other EPIs where there is a conflict. An example is SEPP 71, dealing with coastal protection, which has precedence over all other SEPPs, whether made before or after SEPP 71.

#### 2.1.2 FUTURE VISIONS – LOCAL COUNCIL DEVELOPMENT STRATEGIES AND POLICIES

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Many councils undertake a strategic planning process to provide an indication about where development might occur in the future and what type of development might be allowed. This process can produce a development strategy or policy or similar document. Development strategies can cover any issue that the council desires, including earmarking land for rezoning under future amendments to its LEP. Development strategies and policies are not legally binding but are influential on future council decisions about matters such as rezoning and subdivision.

A council will often advertise for public submissions on draft development strategies in newspapers or on its website. However, it is not required to do so by law. It is important for the community to make submissions where it can because these documents are used by council to direct decisions about development in its area for the future.

### 2.1.3 LOCAL ENVIRONMENTAL PLANS

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LEPs are prepared by local councils and may apply to all or part of the land under a council's control. When preparing a draft LEP, a council must also prepare an environmental study. The environment studies often contain useful information about the local environment but there is no requirement for the content of these studies to be included in an LEP.

LEPs are the main instruments used to control development. An LEP will usually contain maps showing the various zones in a local government area, and tables setting out the development which is allowed in each zone, and under what conditions. LEPs for local councils in the coastal zone are required to include provisions which give effect to the NSW Coastal Policy 1997. See Appendix 1 for a list of councils in the coastal zone.

The LEP for your council area can be found at the council offices (councils are required to keep a copy to show you if you ask) and often on the council website. LEPs can also be found at the Parliamentary Counsel website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) by clicking on 'Browse in Force' and looking under the heading 'EPs in Force' to find an alphabetical listing of all SEPPs, REPs and LEPs.

The zoning of an area is crucial to determining what development is allowed in that area. It is much more difficult to argue against a particular development if it is allowed by the zoning in the LEP. It is therefore very important for communities to be actively involved in the creation and amendment of LEPs.

Draft LEPs must be exhibited and an opportunity given to the community to make submissions (see Part 6.2 on making submissions). Advertisements about public consultation periods will be found in your local newspapers and on council websites.

When assessing a draft LEP, there are a number of matters the community should think about:

- Consider the whole of the LEP. You can do this by looking at the included maps. In this way, you will be able to assess the broader impacts of the LEP such as cumulative impacts. For example, you may think that allowing a resort development in a particular place is okay until you consider that the whole of the draft LEP allows 3 large resort developments along the coast.
- Look out for language which leaves the decision about what can be done to the council or other consent authority. The best LEPs are those that have clear cut rules about what can and cannot be done in a particular zone.
- Pay attention to what kinds of development are prohibited, rather than permitted with development consent. Also pay attention to what kinds of development can be done without consent.
- In working out what should be allowed in a particular zone, look at the environmental study as well as utilising local knowledge and any other studies done on the area.
- Be aware that developers can apply for a zone to be changed to allow a particular type of development that would otherwise be prohibited. Make sure that all types of zones contain provisions about protecting the coastal environment, not just the zones relating to environmental protection.

If an LEP breaches the law, any person can make a judicial review application. For more information, see Part 7 - Going to Court.

### 2.1.4 DEVELOPMENT CONTROL PLANS AND MASTER PLANS

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Development controls plans ("DCPs") can be created by council in relation to any matter that can be covered by an LEP. A DCP can perform a number of functions including providing more detail in relation to development on certain land or in relation to certain types of development. For example, the Eurobodalla Shire Council has a DCP which provides guidelines for development in coastal settlements in order to achieve a number of aims including the maintenance of the character of existing settlements. DCPs are not

legally binding but must be taken into consideration by a consent authority when considering a development application to which the DCP applies.

DCPs can be found at the relevant local council offices and often on the council website. All draft DCPs must be publicly exhibited. Advertisements about exhibition can be found in the local newspaper and often on the council website.

Another increasingly common process is the creation of a master plan which details the future development in a particular region. The aim of a master plan is to give a total picture of the development and environmental controls, rather than allowing ad hoc development. A master plan is usually created in response to a requirement of an EPI. For example, SEPP 71 - Coastal Protection, requires that a master plan be created before consent can be granted for certain types of subdivision in the coastal zone. A master plan may be created by the Minister for Planning or State Government authorities such as the Sydney Harbour Foreshore Authority.

Master Plans are not legally binding but must be taken into consideration by a consent authority such as a council in determining a development application. These documents, however, are influential and form the basis of amendments to local environmental plans and development applications in the future. The community usually has an opportunity to comment on draft master plans. Look out for invitations to comment in the newspaper or on the council website.

### **2.1.5 REGIONAL ENVIRONMENTAL PLANS**

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REPs cover matters of environmental significance for a region. The Director-General of the Department of Infrastructure, Planning and Natural Resources (DIPNR) prepares REPs, often at the direction of its Minister. Before preparing a draft REP, the Director-General must prepare an environmental study. There are several REPs that cover coastal areas such as the Jervis Bay REP and the Lower South Coast. REPs can be found at the Parliamentary Counsel website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) by clicking on 'Browse in Force' and looking under the heading 'EPIs in Force' to find an alphabetical listing of all SEPPs, REPs and LEPs.

### **2.1.6 STATE ENVIRONMENTAL PLANNING POLICIES**

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SEPPs cover matters of environmental significance for the whole state. SEPPs are prepared by the Director-General of the DIPNR, often at the direction of the Minister for Planning. There are a number of SEPPs that are relevant to coastal development:

- SEPP 1: Development standards. This allows developers to make application to relax development standards specified in an EPI. Development standards include provisions about appearance of building and landscaping, intensity of land use and provision of open space.
- SEPP 4: Development Without Consent. This permits certain development by public authorities without consent.
- SEPP 14: Coastal Wetlands. This restricts the clearing, draining, filling or construction of levees on mapped coastal wetlands without the consent of the Director-General of DIPNR. Development applications which require consent of the Director-General are deemed to be designated development and must be accompanied by an environmental impact statement.
- SEPP 26: Littoral Rainforest. This restricts activities which impact on mapped littoral (coastal) rainforest without the consent of the Director-General of the DIPNR.
- SEPP 50: Canal Estate Development. This prohibits new canal developments after 10 November 1997.
- SEPP 56: Sydney Harbour Foreshores and Tributaries. This aims to coordinate the planning and development of land on the foreshores of Sydney Harbour and its tributaries.
- SEPP 62: Sustainable Aquaculture. This allows the development of sustainable aquaculture projects.

- SEPP 71: Coastal Protection. This is the most recent SEPP, gazetted in 2002. It creates a new development assessment regime and gives force to parts of the NSW Coastal Policy 1997. SEPP 71 is explained in detail in Part 2.1.7.

SEPPs can be found at the Parliamentary Counsel website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) by clicking on 'Browse in Force' and looking under the heading 'EPIs in Force' to find an alphabetical listing of all SEPPs, REPs and LEPs.

## **2.1.7 STATE ENVIRONMENTAL PLANNING POLICY NO 71 – COASTAL PROTECTION**

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SEPP 71 provides new requirements and restrictions on development in NSW coastal areas, with the exception of coastal land in the greater Sydney area. Where the provisions of SEPP 71 are inconsistent with any other EPI, SEPP 71 prevails.

SEPP 71 regulates 'significant coastal developments', which are developments in a 'sensitive coastal location', within 100m below the mean high water mark of the sea, a bay or an estuary or on land listed in Schedule 3 (no land is currently listed). 'Sensitive coastal locations' include:

- land within 100m above mean high water mark of the sea, a bay or an estuary,
- coastal lakes,
- Ramsar wetlands and World Heritage areas,
- Marine Parks and Aquatic Reserves under the *Fisheries Management Act 1994*,
- land within 100m of any of the above or land reserved under the *National Parks and Wildlife Act 1974* or SEPP 14 Coastal Wetlands, and
- residential land within 100m of SEPP 26 Littoral rainforests.

The relevant local council is generally the consent authority for significant coastal developments. However, certain development applications must be sent to the Director-General of DIPNR. The Director-General can direct that matters other than those required by SEPP 71 be taken into consideration when determining the development application. The Minister can also decide to 'call-in' the development, which means that s/he becomes the consent authority. This may be done because of the complex or sensitive nature of the development or in response to community requests. The community may consider asking the Minister to call in the development if, for example they are concerned that the interests of the council conflict with environmental considerations.

SEPP 71 has three principal functions:

- It prohibits certain types of development from taking place within the coastal zone,
- It designates the Minister for DIPNR as the consent authority for particular types of large scale developments, and
- It requires certain criteria to be taken into account by the consent authority when determining development applications.

SEPP 71 prohibits certain types of development. The consent authority must reject development applications that will:

- diminish access to the coastal foreshore,
- result in effluent that negatively effects water quality, or
- involve the discharge of stormwater into the sea, a beach, coastal lake, creek or rock platform.

Proposed development of the following types are automatically referred to the Minister for consent:

- mining and other extractive industry;
- industry, that is 'designated development' (see section 2.2.1)
- landfill;
- tourist facilities and recreational establishments (excluding internal refits or minor alternations or additions);
- marinas, that are designated development (see section 2.2.1);
- structures greater than 13m in height;
- subdivision in sensitive coastal areas or of over 25 lots for residential zones or 5 lots for rural residential zones;
- erection of buildings 2 or more storeys in height; \*
- any development within 100m below mean high water mark of the sea, a bay or an estuary; \*and
- development described in a 'catch-all' Schedule (3).\*

\* the Director-General may send the development application back to the Council with additional items for consideration, rather than the Minister, determine the application.

When a local council prepares a LEP or a consent authority considers a development application for development in the coastal zone, the following matters must be taken into account:

- the aims of SEPP 71,
- the retention, improvement and creation of public access to the foreshore,
- the suitability of development given its type, location and design,
- any detrimental impact that development may have on the amenity of the coastal foreshore,
- the scenic qualities of the NSW coast,
- measures to conserve animals, fish, plants and marine vegetation protected under the *Threatened Species Act 1995* and the *Fisheries Management Act 1994*,
- the impact of development on existing wildlife corridors,
- the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,
- measures to reduce the potential for conflict between land-based and water-based coastal activities,
- measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aborigines,
- likely impacts of development on the water quality of coastal waterbodies,
- the conservation and preservation of items of heritage, archaeological or historic significance,
- for draft LEPs - the means to encourage compact towns and cities,
- for development applications - the cumulative impact of the proposed development on the environment,
- for development applications - measures to ensure efficient water and energy usage by the proposed development.

These considerations are additional to the usual matters that must be taken into account by a local council, forcing more extensive assessment. The list is also a useful guide for the community to use in drafting their objections.

Another feature of SEPP 71 is that flexible zone provisions under existing and future LEPs are deemed to have no effect. Flexible zoning provisions allow a development application near the edge of a zone to be assessed as if it were made in a neighbouring zone. The SEPP 71 provision ensures that environmental protection zones cannot be diminished by encroaching development.

## **2.2 DEVELOPMENT IN THE COASTAL ZONE**

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Most development in NSW requires some kind of consent. Any person wishing to undertake a development must submit a development application to the relevant consent authority, which is usually the local council or the Minister for DIPNR. At a minimum, a development application must include a statement of environmental effects which must indicate the environmental impacts of the proposal. (See section 6.1 about citizen access to development applications).

### **2.2.1 DESIGNATED DEVELOPMENT**

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If the development is 'designated development', the development application must be accompanied by an environmental impact statement ('EIS'). Designated developments are generally high impact developments which are contained in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* or in the relevant LEP. Examples of designated development include aquaculture developments of certain types and sewerage works which release or reuse effluent within 100 metres of a natural waterbody. Many developments are classed as designated because of their proximity to natural waterbodies.

The community has an opportunity to make submissions about proposed designated developments. If you have made a submission about a designated development, this will give you the right to go to the Land and Environment Court to appeal against a development consent, if you do not agree with the decision. This type of appeal is called a merits appeal. See Part 7 for more details about going to Court.

The Minister may also decide to establish a Commission of Inquiry to assess the environmental impacts of a proposal. Any person can make a submission to a Commission of Inquiry. However, if you disagree with the results of a Commission of Inquiry, you cannot challenge the results in court.

### **2.2.2 ADVERTISED DEVELOPMENT**

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There may also be opportunities to comment on other types of development, including development classed as 'advertised development'. Advertised development includes 'integrated development' where at least one other approval is needed, such as a water or pollution licence. It also includes 'threatened species development', that is, development that is likely to have a significant effect on threatened species. Threatened species developments must be accompanied by a species impact statement (SIS). Making a submission about an advertised development does not give you a right of merits appeal but all submissions received must be considered by a consent authority. See Part 6.2 for tips on making submissions.

### **2.2.3 ENVIRONMENTAL IMPACT ASSESSMENT**

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Statements of environmental effects, EISs and SISs are commissioned by the developer and can vary widely in quality. It is important to review these carefully for inaccuracies and lack of detail. If you are concerned about a particular issue such as impact on water quality or threatened species, you may consider focussing on that issue only. Because time for submissions is short and community resources are often limited, this will help you to devote as many resources to your issue as possible and to put in a stronger submission. You can raise other issues in less detail. You may also wish to obtain an independent expert opinion about potential development impacts.

Particular matters to consider include:

- What other permits are needed? Does the development require a pollution licence, water licence or permit to excavate or obstruct a waterway under the *Rivers and Foreshores Improvement Act*? The Environment Protection Authority (the EPA) is responsible for issuing licences to pollute. (See Part 3.)
- Are there any threatened species or ecological communities in the area? If there is likely to be a significant impact on the species, an SIS must be prepared. (See Part 2.2.7)
- Does the developer also need approval from the Commonwealth government? Will there be a significant impact on a matter of national environmental significance? (See Part 5.1.)
- Will the development impact on a marine park? (See Part 2.2.8.)

## **2.2.4 INFLUENCING THE DEVELOPMENT PROCESS**

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As well as participating in the formal process for a development application, there are a number of lobbying activities that a community member can do to influence the outcome of a development application. These include:

- Make sure you have as much information about the development as possible. (See Part 6.1.)
- Get support in the community for your case. This may include arranging public meetings, talking to the local paper and talking to neighbours and community groups in the area. (See Part 6.3.)
- Meet with local councillors and, if relevant, the State Government Minister or Director-General. Councillors are the decision makers for most development applications. Present your case to them and try to get support for your position.

## **2.2.5 MAKING A DECISION AND CONDITIONS OF CONSENT**

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In deciding a development application, the consent authority must take into consideration a number of factors including the likely environmental, social and economic impacts of the development and the provisions of all relevant EPIs. The provisions of SEPP 71 are particularly important in relation to coastal development as it specifies a large number of extra considerations that a consent authority must take into account when deciding a development application for development on land in the coastal zone (see Part 2.1.7).

Development consents are granted with conditions. It is an offence for the developer to fail to comply with the conditions of consent. The conditions of consent can be enforced in criminal proceedings undertaken by the consent authority or by civil proceedings such as an injunction, which can be commenced by any person. See Part 7 - Going to Court.

## **2.2.6 MODIFICATION OF A DEVELOPMENT CONSENT**

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After consent is granted, the developer can still apply for modification of the development consent. The applications for modification are usually not publicly notified unless the consent authority considers that the modification will result in a substantially different development. It is common for conditions of consent to be modified a number of times for larger developments. It can be difficult to find out when modifications are made and what these are. If you are monitoring a particular development, ask the council staff to inform you of any modifications. Council staff will often release copies of the conditions of consent informally but sometimes may require you to apply under the *Freedom of Information Act* (See Part 6.1.2).

## 2.2.7 DEVELOPMENT AND THREATENED SPECIES

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When a developer applies for consent for a development under the EP&A Act, the application must be accompanied by a Species Impact Statement if the development is:

- proposed to be carried out on land that is critical habitat; or
- is likely to significantly affect a threatened species or its habitat

In deciding whether to grant consent, the consent authority must consider whether the development is likely to have a significant effect on a threatened species or its habitat. The test for determining whether there is likely to be a significant effect on a threatened species is known as the 8 part test. The test was amended in 2002 but the amendments have not yet commenced. If there is likely to be a significant effect on the threatened species, the consent authority cannot grant consent without the agreement (concurrence) of the Director-General of the National Parks and Wildlife Service.

The Director-General can issue a stop work order if an action is being carried out, or is likely to be carried out, that is likely to result in:

- causing harm to or picking a threatened species, population or ecological community;
- damage to critical habitat;
- damage to the habitat of a threatened species, population or ecological community; or
- a significant effect on protected animals, plants or their habitat.

## 2.2.8 DEVELOPMENT AND MARINE PARKS

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Some marine ecosystems are protected by the creation of marine parks. Some development may take place in a marine park or in a way that affects a marine park. Where the proposed development is within a marine park, the *Marine Parks Act 1997* requires the consent authority to take into account extra considerations. These include the objects of the *Marine Parks Act* and the objects of the zone under any marine park zoning plan and permissible uses of the area as stated in the regulations under the Act. If the proposed development is in the locality of a marine park but not within one, the consent authority must consider the objects of the Act, permissible uses under the regulations and advice given to it by the Marine Parks Authority.

Objects of the *Marine Parks Act* are:

- to conserve marine biodiversity and habitats by declaring and providing for the management of a comprehensive system of marine parks,
- to maintain ecological processes within marine parks, and
- where consistent with the previous objects, to provide for ecologically sustainable use of fish and marine vegetation and to provide for public appreciation, understanding and enjoyment.

Marine parks are also defined as 'sensitive coastal locations' under SEPP 71 and applications for development in marine parks must be sent to the Director-General of Planning for comment.

## 2.3 COASTAL PROTECTION ACT 1979 (NSW)

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The *Coastal Protection Act* established the Coastal Council of NSW. It aims to promote ecologically sustainable development in the coastal zone. Local councils create 'coastal management plans' on their own initiative or can be directed to do so by the Minister. The Act also empowers the Minister for DIPNR and local councils to prevent landowners with beach frontage from building fences that inhibit public access to the coast or encourage erosion.

## 2.4 NSW COASTAL POLICY

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The NSW Coastal Policy applies to the coastal zone as defined under the *Coastal Protection Act, 1979*. The coastal zone is defined by mapped boundaries and includes estuaries, coastal lakes and lagoons, islands and rivers.

The Minister for Planning has made a Direction under the EP&A Act for all local councils in the coastal zone to take the Coastal Policy 1997 into account. In preparing a draft Local Environmental Plan (LEP), local councils must include provisions that give effect to and are consistent with the NSW Coastal Policy 1997. In addition, a draft LEP must not alter, create or remove existing zonings unless a Local Environmental Study for the draft LEP has been prepared and considered by the local council.

The NSW Coastal Policy is administered by the Coastal Council of NSW, which reviews new LEPs and significant development proposals. It is also currently overseeing a coastal conservation assessment aimed at identifying areas for protection.



## 3. POLLUTION LAWS

Pollution in NSW is primarily regulated by the *Protection of the Environment Operations Act 1997* (POEO Act).

### 3.1 WATER POLLUTION

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Water pollution is the introduction of any matter (solid, liquid or gaseous) into water which changes the physical, chemical or biological condition of the water. The definition of water pollution in the POEO Act includes the placing of any matter in a position where it enters or is likely to enter any waters.

There is a blanket prohibition on water pollution under the POEO Act, except where a licence is held. For example, certain activities (such as aquaculture) require a licence under law. For other activities, it may be wise to obtain a licence as compliance with its conditions will provide a defence to the offence of polluting water. Runoff of contaminated stormwater without a licence is, technically, an offence under the POEO Act. Councils are responsible for the licensing of water pollution from non-scheduled premises.

Most pollution licences are granted through the development application process. It is important, therefore, to think about pollution issues at this time. Pollution licences can also be granted outside of the development application process where there is an existing use. In these circumstances, an environmental impact statement will be required if there is likely to be a significant impact on the environment. This will involve opportunities for the public to make submissions.

If you are concerned about a water pollution issue, contact the EPA who operate a 24 hour pollution hotline (ph: 131 555). You can check to see if the operation has a pollution licence by looking at the register on the EPA website at [www.epa.nsw.gov.au/prpoeo/index.htm](http://www.epa.nsw.gov.au/prpoeo/index.htm). You should also contact the local council and inform them about the pollution.

If you think that a proposed development may cause pollution, check to see if the development needs a pollution licence. You should contact the EPA with your concerns and should include your concerns in your submissions.

### 3.2 OTHER NSW POLLUTION CONTROL LAWS

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Other NSW laws relating to pollution include:

- *Protection of the Environment Administration Act 1991* - sets up the EPA.
- *Sydney Water Act 1994* - regulates the supply and storage of water, sewerage services, stormwater drainage and the disposal of waste water in Sydney, Illawarra and the Blue Mountains.
- *Local Government Act 1993* - regulates water supply, sewerage and stormwater outside the areas covered by the Sydney Water Act.
- *Contaminated Land Management Act 1997* - regulates sites where contamination poses a significant risk of harm, giving power to the EPA to order remediation.
- *Environmentally Hazardous Chemicals Act 1985* - assesses and controls environmentally hazardous chemicals and chemical waste.
- *Marine Pollution Act 1987* - regulates the discharge of oil and other liquids from non-military ships within State waters (three nautical miles from the coast).

## 4. LAWS WHICH PROTECT COASTAL AND MARINE FLORA AND FAUNA

NSW law provides different levels of protection for fauna and flora depending upon whether the fauna or flora has been listed as a threatened species.

### 4.1 WHAT GENERAL PROTECTION IS THERE FOR FLORA AND FAUNA?

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Under the *National Parks and Wildlife Act* ("NPW Act"), all native animals and a wide range of native plants in NSW are protected. The NPW Act requires a person to have a licence from National Parks and Wildlife Service to "harm" protected animals on any land. Harm does not include changing the habitat of an animal. A licence is also required to "pick" protected plants on any land except private land with the owner's consent. Picking includes poisoning or injuring a plant or any part of a plant. Harming a protected animal or picking a protected plant without a licence where one is required is a criminal offence.

Native vegetation is also protected under the *Native Vegetation Conservation Act 1997* (NSW) (NVC Act). This Act requires the preparation of regional vegetation management plans and requires that consent be obtained before clearing. The NVC Act does not apply to all coastal lands, including land covered by SEPP 14 - Coastal Wetlands and SEPP 26 - Littoral Rainforest. The NVC Act is currently under review.

### 4.2 WHAT SPECIAL PROTECTION IS THERE FOR THREATENED SPECIES?

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The *Threatened Species Conservation Act 1995* (NSW) protects both threatened animals and plants. The *Fisheries Management Act 1994* protects threatened marine fish and vegetation. The TSC Act and FM Act both contain lists of threatened species in schedules to the Acts. Categories of threatened animals and plants include the following:

- endangered species, populations and ecological communities (species which are likely to become extinct); and
- vulnerable species and ecological communities (species which are likely to become endangered).

It is a criminal offence to do any of the following:

- harm a threatened species (in the case of animals),
- pick a threatened species (in the case of plants),
- harm its habitat
- sell a threatened species, or
- have a threatened species in your possession.

See Part 2.2.7 on how threatened species are dealt with in the development process.



## 5. COMMONWEALTH LAWS AND POLICIES

While states are largely responsible for environmental matters, the Commonwealth Government does administer a number of important Acts and policies that contribute to coastal protection and management. The most important of these is the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It came into force in July 2000, repealing a number of other Commonwealth Acts.

### 5.1 ENVIRONMENT PROTECTION BIODIVERSITY CONSERVATION ACT 1999 (CTH)

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The EPBC Act regulates the assessment and approval of:

- activities approved after 16 July 2000 which have a significant impact on ‘matters of national environmental significance’,
- activities by Commonwealth Government agencies anywhere in the world, and
- activities by any person on Commonwealth land.

The EPBC Act also aims to protect biodiversity through the creation and management of protected areas, such as World Heritage properties, Ramsar wetlands and Commonwealth owned National Parks, and through the listing and management of migratory species and threatened species and ecological communities.

The EPBC Act is administered by Environment Australia, the Commonwealth Department of the Environment.

#### 5.1.1 WHAT IS A ‘MATTER OF NATIONAL ENVIRONMENTAL SIGNIFICANCE?’

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The ‘matters of national environmental significance’ are:

- World Heritage properties;
- Ramsar wetlands;
- nationally listed threatened species and ecological communities;
- listed migratory species;
- activities relating to nuclear energy, including uranium mining; and
- the Commonwealth marine environment.

The Commonwealth Government can add new matters to this list.

If a proposed action is likely to have a significant impact on one of these matters, the action will need to be assessed and approved under the EPBC Act before it can go ahead. The environmental assessment and approval process under the EPBC Act operates concurrently with any State environmental assessment and approval processes.

## 5.2 OTHER COMMONWEALTH LAWS AND POLICIES

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- National Oceans Policy - provides for the creation of Regional Marine Plans which cover both State and Commonwealth waters. There are no completed Regional Marine Plans.
- National Environmental Protection Measures - environmental standards developed by the Environment Protection and Heritage Council which must be implemented by each State and Territory, unless they have more stringent guidelines in place. Amongst other things, NEPMs may relate to ambient marine, estuarine and fresh water quality.

## 6. GETTING INVOLVED

The community can participate in matters which affect coastal protection and management such as decision making, campaigning, law reform or court challenges. For advice on how to conduct your campaign, contact Total Environment Centre or other conservation groups in your area.

### 6.1 ACCESS TO INFORMATION

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To participate effectively in government processes, you need as much information as possible about your issue. Much of this information is publicly available free of charge. Other information may only be obtained through formal processes such as freedom of information.

#### 6.1.1 WHAT INFORMATION WILL YOU NEED?

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The following list is information you may need depending on what your campaign is about and where you can find it. This list is not exhaustive. You may need different information depending on your objectives.

##### **Making Submissions on draft Environmental Planning Instruments**

- All existing environmental planning instruments and zoning laws that apply to the area. See Part 2.1 for the types of planning instruments and where to find them.
- Draft plans. These will be advertised and on public display.
- Environmental studies commissioned by the Council, if any. These will be displayed with the draft planning documents.
- Any reports or minutes of meetings held by local council and its relevant committees. Council meetings are generally open to the public and most councils have business papers available on request. These papers often include important reports of council officers, giving the history of the matter and the particular officer's appraisal of the issue. They also contain an insight into what the council hopes to achieve by developing or amending a planning instrument.
- Any independent studies available. Contact local and peak conservation groups to see if they have any information about your area. For example, local birdwatchers often may have comprehensive lists of birds sighted in the area.

##### **Making Submissions on Development Applications**

You will need most of the information listed above as well as:

- The development application. The local council must allow you to view the development application upon request. You are allowed to make a copy but may have to pay reasonable copying costs.
- All supporting documents for the development application such as a statement of environmental effects or EIS or SIS. The local council must allow you to view these on request. You are allowed to make a copy but may have to pay reasonable copying costs.
- Expert opinion or at least well-informed opinion on the potential harm you are concerned about. List your concerns, referring to particular consent conditions if relevant. This is not essential at this stage but will give your submission more force.

## Challenging a Development Consent

You will need all the information above as well as:

- The development consent including conditions. A register of consents are available for public inspection at your local council offices. The council do not have to give you a copy of the conditions but these are usually listed in the minutes to the council meeting that gave consent.
- The date the decision was made and the date of any notices that have been published in a public newspaper.
- Evidence showing environmental harm such as photographs and statements of witnesses.
- Expert opinion or at least well-informed opinion on the potential harm you are concerned about. List your concerns, referring to particular consent conditions if relevant.
- Reports or letters of any agencies who may have been consulted such as the Environment Protection Authority. If you can't get a copy from the council, get one from the agency itself. Make phone inquiries first to check which reports are most important to get.
- Reports of conservation and other concerned organisations such as the Total Environment Centre or the Australian Conservation Foundation.
- A map of the area indicating any environmental features of concern.

### 6.1.2 FREEDOM OF INFORMATION

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Freedom of information (FOI) laws exist at both State and Federal levels to provide the public with a general, legally enforceable right of access to government information. Before making an FOI application, it's worth considering whether you can get the information another way. For example, someone else may have the information or you may be able to inspect or get copies of documents informally. This approach is often preferable given the cost and delay involved with FOI applications and the many instances where governments are exempt under the laws from the requirements to disclose information.

The *Freedom of Information Act 1989* (NSW) (FOI Act) gives you a legally enforceable right to:

- see records of NSW Government ministers, departments and agencies; local government and some other public bodies,
- request changes to personal information if it is inaccurate, and
- appeal against a decision not to grant access to a document or amend a personal record.

Many State departments and agencies have an FOI officer, who you can contact for more information about procedure guidelines and your right to see documents.

An FOI application costs \$30 and must be made in writing to the agency in question. Charges are then made for the cost of obtaining the documents at the rate of \$30 per hour. A community group can request a 50% discount if the request is by a non-profit group under financial hardship for public interest matters. Because of the charges for accessing the information, it is important that your request be as specific as possible.

Certain documents are exempt from FOI including Cabinet and Executive Council Documents, documents affecting law enforcement and safety and documents subject to secrecy provisions or containing confidential information. For more information on this and other information regarding Freedom of Information, go to <http://www.lawlink.nsw.gov.au/crd.nsf/pages/foidoc1>.

The *Federal Freedom of Information Act* is similar to the NSW Act. For information on how to use it to access documents go to [http://www.comb.gov.au/publications\\_information/freedom\\_information.htm](http://www.comb.gov.au/publications_information/freedom_information.htm).

## 6.2 MAKING SUBMISSIONS

The public has the opportunity to make submissions in relation to key processes under legislation operating in the coastal zone. Requests for submissions are generally posted in newspapers, and on the website of the government department or council responsible for administering the process. Generally, submissions have to be made within 28 days of the advertisement being posted or the plan being exhibited. The relevant decision making authority is bound to take these submissions into account when making his or her decision.

A submission is a document setting out your point of view and your argument which supports that point of view. Terms of reference or guidelines for submissions are sometimes available from the body calling for submissions. Make sure you get as much information as possible before writing your submission. If there are terms of reference, you must address them in your submission.

In the case of a submission on a development application, first analyse the development application and supporting documents such as the EIS. You should also consider the broader issues (e.g. whether the development is necessary) as well as particular facts and figures put forward by the developer.

You should make your submission as clear and concise as possible. It should include headings, subheadings and page numbers. A submission can be any length. If you are short of time, consider writing a submission in point form under subheadings.

Experts may be able to help you provide evidence in support of your case. Always give details about how you arrived at your assertions. For example, rather than saying: "The golf course proposal is outrageous. It will pollute the river." consider saying something like: "Irrigating the lawns of the 50ha golf course, together with using fertiliser and herbicides, is likely to result in changes to the water table, nutrient pollution, and an adverse impact on the red gum forest next to the land where the golf course is proposed."

Ask for a reply to your submission. It is worthwhile suggesting a meeting with the relevant Minister or Department to follow up your concerns.

### 6.2.1. OPPORTUNITIES FOR SUBMISSION

<b>Legislation</b>	<b>Processes</b>	<b>Notification</b>
<i>Environmental Planning and Assessment Act</i>	<ul style="list-style-type: none"> <li>→ REPs, and</li> <li>→ LEPs,</li> <li>→ SEPPs can be advertised at the discretion of the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>→ Local and/or state newspapers,</li> <li>→ Dept of Infrastructure, Planning and Natural Resources website at <a href="http://www.planning.nsw.gov.au">www.planning.nsw.gov.au</a>. Follow the links to 'On exhibition' under 'Assessing Development Proposals'.</li> </ul>
<i>Environmental Planning and Assessment Act</i>	<ul style="list-style-type: none"> <li>→ Development applications for designated development</li> <li>→ Development applications for advertised development</li> </ul>	<ul style="list-style-type: none"> <li>→ Written notice of applications for designated and advertised development to owners or occupiers of adjoining land, people whose use and enjoyment of their land may be detrimentally affected if the development proceeds, and any public authorities which may have an interest in the application.</li> <li>→ Advertisement in a local paper, and exhibited on the land.</li> </ul>
<i>EPBC Act</i>	<ul style="list-style-type: none"> <li>→ Assessment of activities that are likely to have a significant impact on a matter of national environmental significance,</li> <li>→ management plans,</li> <li>→ recovery plans,</li> <li>→ threat abatement plans,</li> <li>→ bioregional plans.</li> </ul>	EPBC Act web site at: <a href="http://www.ea.gov.au/epbc/index">www.ea.gov.au/epbc/index</a>

<b>Legislation</b>	<b>Processes</b>	<b>Notification</b>
<i>Fisheries Management Act</i>	<ul style="list-style-type: none"> <li>→ Fisheries management plans,</li> <li>→ commercial fisheries share management plans,</li> <li>→ aquaculture industry development plans,</li> <li>→ recommendations for listing threatened species, populations or ecological communities,</li> <li>→ declaration of critical habitat,</li> <li>→ recovery plans,</li> <li>→ threat abatement plans, and</li> <li>→ joint management plans.</li> </ul>	Department of Fisheries website at: <a href="http://www.fisheries.nsw.gov.au/conservation/threatened/community_involvement">www.fisheries.nsw.gov.au/conservation/threatened/community_involvement</a> <a href="http://www.fisheries.nsw.gov.au/general/have_your_say">www.fisheries.nsw.gov.au/general/have_your_say</a>
Licence Review under the POEO Act	<ul style="list-style-type: none"> <li>→ Review of the conditions contained in licences issued by the EPA.</li> </ul>	EPA website at: <a href="http://www.epa.nsw.gov.au/licensing/review">www.epa.nsw.gov.au/licensing/review</a>
National Environmental Protection Measures	<ul style="list-style-type: none"> <li>→ Draft NEPMs and impact statements.</li> </ul>	<ul style="list-style-type: none"> <li>→ Newspapers in each State and Territory,</li> <li>→ Commonwealth Gazette.</li> <li>→ Environment Protection and Heritage Council website at: <a href="http://www.ephc.gov.au/nepms/nepms">http://www.ephc.gov.au/nepms/nepms</a></li> </ul>
<i>National Parks and Wildlife Act</i>	<ul style="list-style-type: none"> <li>→ Draft conservation agreements,</li> <li>→ recommendation for the identification of critical habitat.</li> </ul>	National Parks and Wildlife website at: <a href="http://www.npws.nsw.gov.au/submissions/index">www.npws.nsw.gov.au/submissions/index</a>
<i>Threatened Species Conservation Act</i>	<ul style="list-style-type: none"> <li>→ Recovery plans,</li> <li>→ threat abatement plans; and</li> <li>→ licences to harm protected species.</li> </ul>	National Parks and Wildlife website at: <a href="http://www.npws.nsw.gov.au/submissions/index">www.npws.nsw.gov.au/submissions/index</a>

## 6.3 OTHER LOBBYING ACTIVITIES

Lobbying is the process of winning support for your issue. You can lobby by writing letters, meeting in person or getting media coverage about your issue. You should lobby key decision makers such as local councillors, members of parliament and influential organisations.

### 6.3.1 LETTERS

Writing a letter to a politician, whether local, State or Federal, is a powerful campaign tool. The receipt of letters, particularly from local constituents, on a particular issue can motivate a politician to find out more about that issue and take action to satisfy the concerns of voters. This is of particular use when elections are scheduled. Letters are most effective when many people write to the same politician. Avoid 'form' or pre-prepared letters where possible, and encourage people to write in their own style. Faxed and emailed letters are treated the same as posted letters by politicians.

Writing to other decision-makers, such as a Minister, a developer, a government agency or regional committee, is also effective in raising awareness of your concerns early on, and in opening communication with various decision makers. This may help to resolve the areas of concern without resorting to legal action.

Many of the same considerations for writing submissions apply to writing letters. See Part 6.2.

### 6.3.2 PETITIONS

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Petitions to government, while not as effective as letters, may give you the numbers to encourage decision makers to take your concern seriously. When lobbying, both the quality and quantity of petitions can help. There are guidelines for the format of petitions to State and Federal Parliaments. You can find the NSW Parliament guidelines at [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au) by clicking on "System of Government" and "Getting your views across". The Federal Parliament guidelines are available at [www.aph.gov.au](http://www.aph.gov.au) by clicking on "The Parliament Overview", "Further Information" and then "House of Representatives Factsheets".

Petitions can be presented to any person, to local councils, or to State or Federal Parliaments. Petitions to State or Federal Parliaments must be presented by a member of parliament.

### 6.3.3 INFORMATION SHEET

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An information sheet, or fact sheet, can reach a lot of people. Here are some useful tips:

- Keep the information simple and accurate.
- Keep it short, no more than one page.
- State the most dramatic or influential aspect in the first paragraph.
- Distribute the fact sheet at community events, stalls, through community centres or through a letterbox drop and, if you find enough support, call a public meeting. If you organise a public meeting or rally, you may need to inform the Commissioner of Police.
- Avoid making defamatory statements. Quote the sources of information.
- Include practical suggestions for how people can help your campaign, such as writing a letter, donating money or volunteering.
- Include phone, fax and Internet contact numbers for more information.

### 6.3.4 NON-VIOLENT ACTION

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Part of your campaign may involve non-violent protest actions such as a public rally, blockade or sit-in. There are many legal issues to consider in arranging this type of action. For example, public rallies can be made legal by serving notice in the approved form on the Commissioner of Police. Another consideration is whether people are likely to get arrested. The EDO has publications on the legal aspects of non-violent action including fact sheets available on the EDO website at [www.edo.org.au](http://www.edo.org.au). For legal advice about your particular action, call the EDO or your local community legal centre.

## 6.4 USING THE MEDIA

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The media is an important tool for informing large numbers of people and gathering support for your issue.

### 6.4.1 NEWSPAPERS

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Press releases and press briefings keep the media informed of your campaign. Briefings (a 1-2 page summary of the issues and your activities) are useful to provide to journalists who specialise in environmental reporting, or who have expressed an interest in reporting on your issue.

Press releases are useful to notify the media of major events relating to your campaign and should:

- Express your main point in the heading and first paragraph. Think of an upside down pyramid with the most important information at the top. Don't get bogged down in technical detail,

- Deal with one issue at a time,
- Be kept short (maximum one page) and clear, and
- Include the name of your group and contact numbers of people who can provide more information.

Press releases sent to a particular person are more likely to be read. Contact relevant journalists before and after the event you want them to cover.

#### **6.4.2 RADIO AND TV**

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Prepare what you are going to say before an interview and condense it into about three sentences. In a 30 second timeslot on television or radio news (known as a 'grab'), you will often only be able to make one point. Decide on that point in advance and repeat it during the interview, rather than trying to make many points and possibly having only what you consider to be a minor point reported. If possible, have a chat with the reporter beforehand to make sure they have enough information to ask relevant questions of you.

## 7. GOING TO COURT

In some cases, it may be necessary to go to court to challenge or enforce a development consent or to challenge the approval of a planning instrument. If successful, a court action can result in stopping an activity or modifying it so that it is less environmentally damaging. Court cases may also create legal precedent, that is a decision about the law which will be followed in future cases.

However, there are a number of disadvantages to court actions. Court actions are expensive in both money and time. If you are unsuccessful, you may be required to pay the costs of the other parties to the proceedings. An unsuccessful action can create a bad precedent for future court actions. As a result, court action is usually only considered when other lobbying activities have failed.

### 7.1 GETTING LEGAL ADVICE

Before you take court action, it is essential that you obtain legal advice to work out whether you have a case. It is best to get advice from a specialist environmental lawyer. The Environmental Defender's Office provides legal advice to community members and groups. You can also contact the Law Society of NSW to get a referral to private lawyers who specialise in environmental law.

You or your group may be eligible for legal aid for a public interest environmental law case. A grant of legal aid will include an indemnity, which means that Legal Aid will pay the other side's costs if you lose the case.

### 7.2 GET ADVICE QUICKLY

You should get legal advice as soon as an issue arises because delay can adversely affect court cases. Once a decision has been made, there are strict deadlines for making appeals. Sometimes a delay can mean losing your case - even if your legal claim is correct. Delays can also be expensive.

Challenges to development consents given by local councils under the EP&A Act must be started within three months of the date the consent is advertised in the newspaper. If no notice is given (it is not compulsory), you must commence within a reasonable time.

### A COMMUNITY SUCCESS STORY - WETLANDS OR BOAT RAMPS?

The Myall Koala and Environment Support Group is a residents group from Hawksnest, in Great Lakes Shire. The group aims to promote the long-term survival of koalas in the area. Great Lakes Shire Council sought approval to develop a wetland area, near a known koala habitat, for a boat ramp, car park and associated facilities for 70 cars and 50 trailers. The impetus for the regional boat ramp was that the Council could get 75 per cent of the funding for the project from the Department of Public Works.

The SEPP 14 wetland could not be developed by the Council without preparing an EIS. The Council did so, then approved its own development application. The Myall Koala and Environmental Support group lodged a designated development appeal to the Land and Environment Court. The Environmental Defender's Office represented the group in Court. After hearing evidence from an expert on migratory bird habitat, and a planner on the availability of other boat ramps in the area, the Court overturned the approval of the boat ramp (*Myall Koala and Environment Support Group v Great Lakes Shire Council* (unreported, Land and Environment Court, 17 October, 1990).

Clause 7 (2)(c) of SEPP 14 requires the Director-General of Urban Affairs and Planning to consider whether carrying out the development would be consistent with the aim of SEPP 14, namely to protect coastal wetlands. Justice Bignold criticised the apparent rubber-stamping of this particular approval by a delegate of the Director-General.

The Myall Koala Case shows how a small group can stop inappropriate development on SEPP 14 wetlands.

If you object to a designated development, you only have 28 days from the date council notifies you of its decision to go to the Land and Environment Court.

## 7.3 DO I NEED TO BE LEGALLY REPRESENTED?

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If you are involved in a court case, you have three options. You can:

- put forward your case in Court yourself,
- be represented by another person without legal qualifications, acting as your agent, or
- be represented by a solicitor or barrister.

Representation by an experienced lawyer is particularly advisable for judicial review matters. For merits appeal matters, it is quite possible to represent yourself but it usually helps to have someone assisting you with knowledge of the way the Court works. This does not necessarily have to be a lawyer. For example, in building matters an architect may sometimes represent the applicant. If you decide to proceed without legal representation, you will need to research the court procedures.

## 7.4 WHEN CAN I TAKE ACTION?

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Before you or your organisation can take legal action, you must find out if a right to do so exists under the relevant legislation. This right to enforce the provisions of a particular Act is known as 'standing'. Below is an outline of the standing rules in relation to the coastal protection laws discussed throughout this booklet.

### 7.4.1 NSW LEGISLATION

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Any member of the public can take action in the Land and Environment Court in relation to a breach of most NSW legislation with the exception of the *Coastal Protection Act*.

Actions under NSW environmental and planning legislation will be commenced in the Land and Environment Court.

### 7.4.2 EPBC ACT

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Only the Minister for the Environment, an interested person (other than an unincorporated organisation) or a person acting on behalf of an unincorporated organisation that is an interested person, can take action under the EPBC Act. 'Interested person' refers to:

- any organisation that is affected by the conduct in question
- individuals or conservation groups that have been active for at least two years prior to the commencement of the opposed conduct (or in the case of proposed conduct, at least 2 years prior to commencing court proceedings).

Any action will be commenced in the Federal Court.

## 7.5 TYPES OF ACTIONS

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There are two major types of court action which a community member may consider taking. Where a person has the right to challenge a designated development, that person can commence a merits appeal. This is known as a Class 1 action in the Land and Environment Court. In a merits appeal, the Land and Environment Court considers the development application afresh and determines whether or not consent

should be granted and on what conditions.

Most other types of action are 'judicial review' actions. Judicial review essentially involves a 2-stage inquiry. The first stage inquires whether the decision is or could be legally invalid. The second stage decides what to do about it. One of the core principles of judicial review is that a finding that a decision is invalid does not necessarily lead to the decision being set aside or the person who made the application getting what they wanted. This is because the Court must take into account discretionary factors in determining whether or not to grant a remedy. The kind of factors the Court may take into consideration includes the seriousness of the breach, the impact on the community and the likelihood of environmental harm.

In judicial review proceedings, the Court will not consider the merits of the activity that you are complaining about, that is, whether or not it is a good idea. For example, the Court can look at whether a new LEP has taken the requirements of SEPP 71 into account, because a Council is required by law to take these requirements into account. However, the Court will not consider whether the provisions of the LEP are good.

## 7.6 REMEDIES

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If an environmental law is broken, the Land and Environment Court or the Federal Court (depending on whether the law is Commonwealth or State) can order remedies to correct the breach. Remedies include:

- An injunction - a court order stopping someone from doing something or requiring someone to do something; or
- A declaration - a statement by the court setting out what the law is or whether the law is being broken in a particular case.

The Land and Environment Court can set aside a development consent which is breach of the law. However, they can refuse a development consent or impose new conditions where the type of action is a merits appeal.

The Land and Environment Court has no power to award damages. If there is damage to property or rights, action for damages may be taken to the Supreme Court of NSW. The Federal Court can award damages in appropriate circumstances.

# APPENDIX 1 – USEFUL CONTACTS

## COMMUNITY ORGANISATIONS - CONSERVATION

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### **Total Environment Centre**

Level 2, 362 Kent Street  
Sydney NSW 2000  
**Phone:** 02 9299 5599 or 02 9299 5680  
**Fax:** 02 9299 4411  
**Email:** tec@tec.org.au  
**Website:** www.tec.org.au

### **Australian Conservation Foundation**

Level 1, 29 - 35 Shepherd Street  
Chippendale NSW 2008  
**Phone:** (02) 9212 6600  
**Fax:** (02) 9212 6977  
**Email:** acf@acfonline.org.au  
**Website:** www.acfonline.org.au

### **Greenpeace Australia Pacific**

Level 4, 39 Liverpool Street  
Sydney NSW 2000  
**Phone:** 02 9261 4666  
**Email:** greenpeace@au.greenpeace.org  
**Website:** www.greenpeace.org.au

### **Humane Society International (Australia)**

PO Box 439  
Avalon NSW 2107  
**Phone:** 02 9973 1728  
**Fax:** 02 9973 1729  
**Toll Free:** 1800 333 737  
**Email:** admin@his.org.au  
**Website:** www.hsi.org.au

### **Nature Conservation Council of NSW**

Level 5, 362 Kent Street  
Sydney NSW 2000  
**Phone:** 02 9279 2466  
**Fax:** 02 9279 2499  
**Email:** ncc@nccnsw.org.au  
**Website:** www.nccnsw.org.au  
Will also provide contacts for NSW regional conservation groups.

### **North Coast Environment Council**

PO Box 321  
Lismore NSW 2480  
**Ph:** (02) 6622 6559  
**Fax:** (02) 6622 2676  
**Email:** ncecsecc@nor.com.au  
**Website:** www.ncec.org.au

### **The Wilderness Society**

Suite 203, 64-76 Kippax St  
Surry Hills NSW 2010  
**Postal:** PO Box K249, Haymarket NSW 2010  
**Phone:** 02 9282 9553  
**Fax:** 02 9282 9557  
**Email:** sydney@wilderness.org.au  
**Website:** www.wilderness.org.au/sydney

### **World Wide Fund for Nature**

Level 5, 725 George Street  
Sydney NSW 2000  
**Postal:** GPO Box 528, Sydney NSW 2001  
**Phone:** 02 9281 5515  
**Toll Free:** 1800 032 551  
**Fax:** 02 9281 1060  
**Email:** enquiries@wwf.org.au  
**Website:** www.wwf.org.au

## COMMUNITY ORGANISATIONS - LEGAL

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### **Environmental Defender's Office (NSW)**

Level 9, 89 York St  
Sydney NSW 2000  
**Phone:** 02 9262 6989  
**Free call:** 1800 626 239  
**Fax:** 02 9262 6998  
**Email:** edonsw@edo.org.au  
**Website:** www.edo.org.au

### **Public Interest Advocacy Centre**

Level 1, 46-48 York St  
Sydney NSW 2000  
**Phone:** 02 9299 7833  
**Fax:** 02 9299 7855  
**Email:** piac@fl.asn.au

## LOCAL GOVERNMENTS IN THE COASTAL ZONE

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### **Ballina Shire Council**

**Website:** [www.ballinacouncil.com.au](http://www.ballinacouncil.com.au)

### **Bega Valley Shire Council**

**Website:** [www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

### **Bellingen Shire Council**

**Website:** [www.chcc.nsw.gov.au](http://www.chcc.nsw.gov.au)

### **Byron Shire Council**

**Website:** [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

### **Coffs Harbour City Council**

**Website:** [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)

### **Copmanhurst Shire Council**

**Website:** [www.copmanhurst.nsw.gov.au](http://www.copmanhurst.nsw.gov.au)

### **Eurobodalla Shire Council**

**Website:** [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au)

### **Gosford City Council**

**Website:** [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)

### **Great Lakes Shire Council**

**Website:** [www.greatlakes.nsw.gov.au](http://www.greatlakes.nsw.gov.au)

### **Greater Taree City Council**

**Website:** [www.gtcc.nsw.gov.au](http://www.gtcc.nsw.gov.au)

### **Hastings Council**

**Website:** [www.hastings.nsw.gov.au](http://www.hastings.nsw.gov.au)

### **Kempsey Shire Council**

**Website:** [www.kempsey.local-e.nsw.gov.au](http://www.kempsey.local-e.nsw.gov.au)

### **Kiama Municipal Council**

**Website:** [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

### **Lake Macquarie City Council**

**Website:** [www.lakemac.nsw.gov.au](http://www.lakemac.nsw.gov.au)

### **Lismore Shire Council**

**Website:** [www.liscity.nsw.gov.au](http://www.liscity.nsw.gov.au)

### **Maclean Shire Council**

**Website:** [www.maclean.local-e.nsw.gov.au](http://www.maclean.local-e.nsw.gov.au)

### **Maitland City Council**

**Website:** [www.maitland.nsw.gov.au](http://www.maitland.nsw.gov.au)

### **Nambucca Shire Council**

**Website:** [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au)

### **Newcastle City Council**

**Website:** [www.ncc.nsw.gov.au](http://www.ncc.nsw.gov.au)

### **Port Stephens Council**

**Website:** [www.portstephens.local-e.nsw.gov.au](http://www.portstephens.local-e.nsw.gov.au)

### **Pristine Waters Shire Council**

**Website:** [www.pristinewaters.nsw.gov.au](http://www.pristinewaters.nsw.gov.au)

### **Richmond Valley Shire Council**

**Website:** [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)

### **Shellharbour City Council**

**Website:** [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)

### **Shoalhaven City Council**

**Website:** [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

### **Tweed Shire Council**

**Website:** [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

### **Wollongong City Council**

**Website:** [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

### **Wyong Shire Council**

**Website:** [www.wyong.nsw.gov.au](http://www.wyong.nsw.gov.au)

## COASTAL COUNCILS IN GREATER SYDNEY REGION

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**NB:** The Coastal Protection Act, SEPP 71 and the NSW Coastal Policy do not apply to these Councils

### **Ashfield City Council**

**Website:** [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au)

### **Auburn City Council**

**Website:** [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au)

### **Botany Bay City Council**

**Website:** [www.botanybay.nsw.gov.au](http://www.botanybay.nsw.gov.au)

### **Canada Bay City Council**

**Website:** [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au)

### **Hunters Hill City Council**

**Website:** [www.huntershill.nsw.gov.au](http://www.huntershill.nsw.gov.au)

### **Kogarah City Council**

**Website:** [www.kogarah.nsw.gov.au](http://www.kogarah.nsw.gov.au)

### **Ku-ring-gai City Council**

**Website:** [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)

### **Lane Cove City Council**

**Website:** [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au)

### **Leichhardt City Council**

**Website:** [www.lmc.nsw.gov.au](http://www.lmc.nsw.gov.au)

**Manly City Council**

**Website:** [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

**Mosman City Council**

**Website:** [www.mosman.nsw.gov.au](http://www.mosman.nsw.gov.au)

**North Sydney City Council**

**Website:** [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au)

**Pittwater Council**

**Website:**

[www.pittwaterlga.com.au/rwp/pitthome.nsf](http://www.pittwaterlga.com.au/rwp/pitthome.nsf)

**Randwick City Council**

**Website:** [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

**Rockdale City Council**

**Website:** [www.rockdale.nsw.gov.au](http://www.rockdale.nsw.gov.au)

**Ryde City Council**

**Website:** [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

**South Sydney City Council**

**Website:** [www.sccc.nsw.gov.au](http://www.sccc.nsw.gov.au)

**Sydney City Council (City of Sydney)**

**Website:** [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

**Sutherland City Council**

**Website:** [www.sutherland.nsw.gov.au](http://www.sutherland.nsw.gov.au)

**Warringah City Council**

**Website:** [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

**Waverley City Council**

**Website:** [www.waverley.nsw.gov.au](http://www.waverley.nsw.gov.au)

**Willoughby City Council**

**Website:** [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

**Woollahra City Council**

**Website:** [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**NSW MINISTERS**

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**NSW Premier**

The Hon. Robert John Carr MP, Premier,  
Minister for the Arts and Minister for Ethnic Affairs  
Level 40, Governor Macquarie Tower  
1 Farrer Place  
Sydney. 2000

**NSW Minister for the Environment**

The Honourable Bob Debus MP  
Ministerial Office Address:  
Level 36 Governor Macquarie Tower

1 Farrer Place

Sydney NSW 2000

**Postal:** PO Box A290, Sydney South NSW 1232

**Phone:** 02 9228 3071

**Fax:** 02 9228 3166

**NSW Minister for Infrastructure and Planning****Minister for Natural Resources**

The Honourable Craig John Knowles MP  
Level 33, Governor Macquarie  
Tower, 1 Farrer Place,  
Sydney NSW 2000

**Phone:** 61 2 9228 4425

**Fax:** 61 2 9228 3716

**NSW State Government Ministers and Departments**

<http://www.nsw.gov.au/>

Contact details for all NSW ministers and government departments.

**NSW GOVERNMENT AGENCIES**

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**Environment Protection Authority**

PO Box A290,  
Sydney South 1232

**Phone:** (02) 9995 5000 (switch)

**Pollution Line:** 131 555

**Fax:** (02) 9995 5999

**Email:** [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) - information and publication requests

**Email:** [POEOHelp@epa.nsw.gov.au](mailto:POEOHelp@epa.nsw.gov.au) - POEO service centre

**Website:** [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

**NSW Fisheries**

Cronulla Fisheries Centre  
PO Box 21

Cronulla NSW 2230

**Phone:** 1300 550 574

**Fax:** (02) 9527 8576

**Email:** [information-advisory@fisheries.nsw.gov.au](mailto:information-advisory@fisheries.nsw.gov.au)

**Website:** [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au)

**Coastal Council of NSW**

GPO Box 3927

Sydney 2001

**Phone:** (02) 9762 8190

**Website:** [www.coastalcouncil.nsw.gov.au](http://www.coastalcouncil.nsw.gov.au)

## COURTS

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### **NSW Land and Environment Court**

Registry Address  
Level 4, Windeyer Chambers (diagonally opposite  
Sydney Hospital)  
225 Macquarie Street  
Sydney NSW 2000  
**Trading:** Mon-Fri, 8:30am – 5:00pm  
**Postal:** GPO Box 3565, Sydney NSW 1043  
**Email:** [lecourt@agd.nsw.gov.au](mailto:lecourt@agd.nsw.gov.au)  
**Website:** [www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec)

## COMMONWEALTH MINISTERS

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### **Minister for the Environment and Heritage**

The Honourable Dr David Kemp MP  
Parliament House, Canberra ACT 2600  
**Phone:** 02 6277 7640  
**Fax:** 02 6273 6101  
**Email:** [D.Kemp.MP@aph.gov.au](mailto:D.Kemp.MP@aph.gov.au)

### **Parliament House**

[www.aph.gov.au](http://www.aph.gov.au)  
Has contact details for all Commonwealth Ministers.

## COMMONWEALTH GOVERNMENT AGENCIES

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### **Environment Australia**

John Gorton Building, King Edward Terrace,  
Parkes ACT 2600  
**Phone:** 02 6274 1111  
**Fax:** 02 6274 1666  
**Email:** go to [www.ea.gov.au/about/comments.html](http://www.ea.gov.au/about/comments.html)  
**Website:** [www.ea.gov.au](http://www.ea.gov.au)  
**Coasts and Oceans page:**  
[www.ea.gov.au/coasts](http://www.ea.gov.au/coasts)

### **National Oceans Office**

Level 1/80 Elizabeth St  
Hobart TAS 7000  
**Phone:** 03 6221 5000  
**Fax:** 03 6221 5050  
**Website:** [www.oceans.gov.au](http://www.oceans.gov.au)

### **Threatened Species Scientific Committee**

C/- The Director  
Wildlife Scientific Advice Section,  
Environment Australia  
GPO Box 787  
Canberra ACT 2601  
**Phone:** 02 6274 2744  
**Fax:** 02 6274 1921  
**Email:** [marina.walkington@ea.gov.au](mailto:marina.walkington@ea.gov.au)  
**Website:**  
[www.ea.gov.au/biodiversity/threatened/tssc.html](http://www.ea.gov.au/biodiversity/threatened/tssc.html)

## COURTS

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### **Federal Court**

Level 16, Law Courts Building, Queens Square  
Sydney NSW 2000  
**Phone:** 02 9230 8567  
**Fax:** 02 9230 8535  
**Website:** [www.fedcourt.gov.au](http://www.fedcourt.gov.au)