Environmental Defenders Office

# Submission to the NSW Department of Planning, Industry and Environment on the EP&A Regulation review - Proposed *Environmental Planning and Assessment Regulation 2021*

**1 October 2021**

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EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

***Successful environmental outcomes using the law.*** With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

***Broad environmental expertise.*** EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

***Independent and accessible services.*** As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

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## A. Introduction

1. Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the review of the proposed *Environmental Planning and Assessment Regulation 2021* (**Proposed 2021 Regulation**).

2. The regulation supporting the *Environmental Planning and Assessment Act 1979* (**Planning Act**) are of critical importance, given the way in which it guides and prescribes the processes, plans, public consultation, impact assessment and decisions made by consent authorities.

3. Due to the limited capacity of the EDO to respond comprehensively to the Proposed 2021 Regulation, we have instead focussed our submission on two key areas, being changes to designated development and changes to assessment information and notification requirements as discussed in the factsheets published by the Department of Planning, Industry and Environment (**Department**). We have also suggested guiding principles to inform the Proposed 2021 Regulation and other planning reform, which were also included in the EDONSW submission in November 2017 on the Issues Paper.

## B. Key Recommendations

4. EDO's key recommendations are:

    a. The Department should make clear what the government's environmental objectives and priorities are, and how the Proposed 2021 Regulation and planning system can help to achieve these objectives.

    b. A Climate Impact Statement be a mandatory requirement as part of any Environmental Impact Statement (**EIS**) under Division 5 of Part 8 of the Proposed 2021 Regulation.

    c. The Proposed 2021 Regulation be informed by the 'community participation principles' in section 2.23 of the Planning Act.

    d. The Government's approach to Regulation reform be guided by the principle of 'non-regression' – both in relation to environmental protection and public participation and transparency.

    e. The Proposed 2021 Regulation be amended to facilitate public engagement with the planning system, particularly for those groups that are less likely to already be engaged, such as vulnerable or marginalised communities.

    f. The Proposed 2021 Regulation needs to ensure the greatest impacts receive the greatest level of scrutiny – from regulators and the public, including:

i. continuing to align the high-impact 'designated development' category with the requirement to hold an Environmental Protection Licence, which should include prescribing Coal Seam Gas exploration as designated development;
ii. improvements to the standard EIS requirements in Schedule 2, such as consideration of cumulative impacts of past, existing and likely future development;
iii. amending the Proposed 2021 Regulation to remove the proposal that smaller poultry farms that are in sensitive locations would no longer be designated development;
iv. amending, expanding and harmonising the definition of environmentally sensitive areas of State Significance;
v. amending the *SEPP (State and Regional Development) 2011* to remove high impact development from State Significant Development (**SSD**), or to otherwise restore merit appeal rights for SSD; and
vi. standardising (without decreasing) the wetland buffer zone to a minimum of 100m.

g. In respect of changes to environmental assessment under Part 5 of the Planning Act, we call for improved transparency including:

i. amending the Proposed 2021 Regulation to require that all REFs be made publicly available prior to approval;
ii. clarifying that the determining authority has a duty to consider any other relevant environmental factors; and,
iii. amending the Proposed 2021 Regulation to include a relevant factor be listed explicitly specifying that climate change projections must be taken into account in determining the environmental impact of the activity.

h. In respect of post-determination notifications, the Proposed 2021 Regulation should be amended to retain the current requirements for consent authorities to notify concurrence authorities and approval bodies, including with respect to modification applications.

## C. Guiding principles to inform proposed *Environmental Planning and Assessment Regulation 2021*

5. In this part of the submission, the EDO suggests some guiding principles to inform the Proposed 2021 Regulation. These principles are grouped as follows:

a. *Achieving the aims of the Act and government policy objectives*

b. *Transparent information and effective engagement on planning matters*

c. *Development categories – ensure the greatest impacts receive the greatest scrutiny*

## (A) Achieving the aims of the *Environmental Planning and Assessment Act 1979* and government policy objectives

6. The Planning Act contains a broad range of aims (see section 1.3, 'Objects'), and so should the Government – particularly in relation to environmental protection. Research suggests nine out of ten NSW residents believe that regulation in general should aim to increase, not merely maintain, the health of the environment.[1] This aim is reflected in the ESD principle of *intergenerational equity* which underpins the Planning Act and impact assessments.[2]

### *Setting and achieving environmental goals*

7. We strongly **recommend** the Department should make clear what the government's environmental objectives and priorities are, and how the Proposed 2021 Regulation and planning system can help to achieve these objectives. We give three examples below – in relation to climate change, biodiversity and plastic pollution.

8. First, the Department should specifically consider how provisions of the Proposed 2021 Regulation can contribute to the Government's objective of net-zero greenhouse gas emissions by 2050. The planning and development decisions being made now, by this Government and by planning authorities, will have a profound effect on the State's ability to deliver on that aim – now just 29 years away.

9. In particular, we **recommend** a Climate Impact Statement be a mandatory requirement as part of any EIS under Division 5 of Part 8 of the Proposed 2021 Regulation. A Climate Impact Statement would explain and highlight upfront:

    a. whether a proposal (major project or other high-impact 'designated development') is consistent with this aim of net-zero emissions, and

    b. how it contributes to achieving this aim, consistent with national and international goals to avoiding dangerous global warming of 2 degrees or more.

10. Second, the Department should specifically consider how the Proposed 2021 Regulation can better integrate and support the aims of the *Biodiversity Conservation Act 2016* (**BC Act**).[3] The BC Act relies heavily on the Planning Act and Regulation to achieve these aims as

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[1] NSW Office of Environment and Heritage, *Who cares about the Environment? 2015* survey results (OEH 2015).

[2] '…namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations'. See for example, Planning Regulation Schedule 2, cl. 7 and *Protection of the Environment Administration Act 1991* s. 6.

[3] The objects of the BC Act include, among other things:

any development activities with significant biodiversity impacts must pass through assessment under the planning system.

11. Third, for several years the Government's primary environmental goal related to litter – a 40% reduction in litter by 2020. This will be assisted by the 'cash for containers' system. But while visible litter may be going down, waste production is going up.[4] From global to local level, there has been a particular interest in the explosion of plastic production and its ecological consequences. The Proposed 2021 Regulation could more clearly enable planning authorities to use planning controls to deal with 'upstream' problems like plastic waste production.

**(B) Transparent information and effective engagement on planning matters**

12. We **support** the aim of a modern and more accessible planning system and Regulation. We make four comments here: on more effective engagement, *non-regression* of rights to information, accessibility and informative community guidance.

***More effective opportunities for consultation and increased transparency (not just 'streamlining')***

13. We **recommend** the Department's primary aim in the area of document lodgement and access should be to make the planning system easier to engage with, and to make community consultation more effective. This is consistent with the objects of the Planning Act to increase public participation in planning matters. We **recommend** the Proposed 2021 Regulation be informed by the 'community participation principles' in section 2.23 of the Planning Act.

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*(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and*

*(c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and*

*(d) to support biodiversity conservation in the context of a changing climate, and*

*(e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and …*

*(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, …*

[4] According to the ABS, 'Australia's economic production… rose 73% over the period 1996-97 to 2013-14. Over the same period… [w]aste production rose 163%, energy consumption increased 31% and GHG emissions increased 20%.' Australian Bureau of Statistics (ABS), *4655.0 - Australian Environmental-Economic Accounts, 2016*. Available at http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/167944D8C7C4332CCA25811600185D02?opendocument, accessed November 2017.

14. The Department website[5] in relation to the Review states that the aim for the Proposed 2021 Regulation is to "reduce administrative burden and increase procedural efficiency." It appears the focus is more on efficiency than effectiveness. This presents a risk that community access to information, engagement and participation in decision-making may be reduced to save costs. This focus should be reversed. Reduced administrative burden may be a positive consequence of better-designed consultation processes.

15. For example, where existing requirements are considered outdated, administratively burdensome, or no longer necessary – the first step should be to consider whether technology, such as the Planning Portal or other online access would improve public access to planning information. However, there should be consideration as to how vulnerable groups may access information and participate, especially where vulnerable or disadvantaged communities or individuals may not have access to online resources.

16. EDO **supports** the increased use of digital communication options alongside other ways of engaging that meet diverse community needs and preferences. We **recommend** a greater emphasis on digital *community engagement* tools, not just development lodgement tools. A guiding principle should be that digitisation provides 'increased opportunity for public involvement and participation', in keeping with the Planning Act's objects.

***Adopt the principle of 'non-regression' for rights and obligations***

17. We **recommend** the Government's approach to Regulation reform is guided by the principle of 'non-regression' – both in relation to environmental protection and (here) public participation and transparency. This is consistent with the aims of the Planning Act.

18. Non-regression is a recognised and evolving concept in environmental law.[6] We refer to non-regression to mean that rights, obligations and safeguards related to public participation in the planning system should be maintained (where fully effective) or advanced (where improvement is required). Put simply, it means that policy and law reform should protect and advance existing rights, obligations and environmental safeguards, and ensure they are not reversed or eroded.

19. By contrast, an example of *regression* is where so-called 'outdated' requirements to maintain hard copies of documents for public exhibition are removed altogether, instead of updating this obligation to additionally require online access.[7] At a minimum, updated

[5] https://www.planning.nsw.gov.au/2021-EPA-regulation

[6] See the Australian Panel of Experts on Environmental Law (APEEL), *Blueprint for the next generation of Australian environmental law* (2017), p 12. Available at http://apeel.org.au/, accessed November 2017. APEEL recommends *non-regression* as a key legal design principle: '(that is, there should be no reduction in the level of environmental protection provided by the law)'.

[7] For example, when the *Biodiversity Conservation Act 2016* commenced, requirements to publicly exhibit reasons for granting or refusing concurrence (at the national parks office or fisheries agency) were removed altogether rather than shifting the requirement to online publication. See Environmental Planning Regulation 2000, subcl. 63(2) *Reasons for granting concurrence* (repealed by *Environmental Planning and Assessment Amendment (Biodiversity Conservation) Regulation 2017*, item [6]).

regulations should require *online* publication, and clear signposts for access in this and other forms.

***Everyone should be able to engage with decisions that affect them and their community – but not everyone can engage online***

20. As well as increasing online accessibility, the Government should continue to consider accessibility for community members who do not or cannot use the internet.

21. For example, the Regulatory Impact Statement noted the administrative burden on local councils or other consent authorities mailing the full list of documents currently required where third parties (that is, non-applicants) have not provided an email address. In some circumstances it may be appropriate for planning authorities to use email as the default communication option (e.g. an opt-out system that still enables receipt by post, or to phone a number to request documents).

22. In all cases though, people without internet access should not be penalised or excluded from engagement with the planning system. This is particularly important as vulnerable groups are often less likely to have reliable internet access. **We recommend** the Proposed 2021 Regulation be amended to facilitate public engagement with the planning system, particularly in those groups that are less likely to already be engaged, such as vulnerable or marginalised communities. To give a small example, email should not be a mandatory field (or should include a 'no email' option) if submitters provide other contact details or elect to make an anonymous submission (in accordance with privacy laws).

**(C) Development categories – ensure the greatest impacts receive the greatest scrutiny**

23. The EPA Regulation plays a very important role in defining environmental assessment requirements for different development categories and approval pathways. In particular:

    a. setting out the standard features of an EIS, including for all major projects (Schedule 2);

    b. defining categories of high-impact 'designated development' that also require an EIS, additional community consultation and merit appeal rights (Schedule 3); and

    c. setting out the environmental assessment requirements for activities that don't need planning consent, but do need another form of authorisation and assessment under Part 5 of the Planning Act (**'Part 5 activities'**, EPA Regulation clause 228).

24. We **recommend** the Proposed 2021 Regulation ensures the greatest impacts receive the greatest level of scrutiny – from regulators and the public. This is in line with a risk-based approach to regulation. Among other things, we propose:

a. revising the SSD category to remove 'sensitive areas' as a trigger for SSD – as this has perverse implications that may result in less scrutiny (approvals and appeal rights) instead of more;

b. continuing to align the high-impact 'designated development' category with the requirement to hold an Environmental Protection Licence (**EPL** or **pollution licence**) – this should include prescribing Coal Seam Gas (**CSG**) exploration as designated development instead of the current and inappropriate classification as solely a 'Part 5 activity';

c. improvements to the standard EIS requirements in Schedule 2 – such as consideration of cumulative impacts of past, existing and likely future development.

## D. Key Issues

### (A) Designated Development

***Revise categories that trigger designated development***

25. The EDO **supports** the inclusion of additional emerging technology development categories, which also require an EPL, as designated development in Schedule 2 of the Proposed Regulation 2021. This recognises the potential for these categories of development to cause significant environmental impacts.

26. As a general rule we **support** continued alignment of designated development with requirements for an EPL, where this is consistent with the principle of non-regression.

27. The Proposed Regulation 2021 should also specifically prescribe coal seam gas (**CSG**) exploration as designated development. It is a problematic and inappropriate regulatory anomaly that mining and gas exploration sits under Part 5 alongside public infrastructure and utilities, despite recognition that it needs an EPL and is private development.

28. The *Leewood* case demonstrates a need for clarity about what is and is not development for the purposes of petroleum exploration.[8] In the absence of a definition there is no clarity or limits for the community, landholders or companies. We **recommend** the Proposed 2021 Regulation and relevant SEPPs define and limit these activities. The Proposed 2021 Regulation should ensure major effluent treatment plants and irrigation areas are designated development, even if they are related to mining or gas exploration.

29. In relation to energy recovery from waste (clause 21 of Schedule 2 of the Proposed 2021 Regulation) we note that the Regulatory Impact Statement for the Proposed 2021

[8] *People for the Plains Incorporated v Santos NSW (Eastern) Pty Ltd* [2017] NSWCA 46.
This case, run by EDO on behalf of People for the Plains, concerned a water treatment plant proposed by Santos, and whether that plant could properly be considered as part of CSG exploration, or required separate public exhibition, assessment and development consent via Planning Act Part 4.

Regulation states that these provisions are not intended to apply to Special Activation Precincts in regional NSW. We **do not support** this exclusion as it will remove third party merits appeal rights and result in a lower level of independent oversight environmental regulation for this category of development.

30. The EDO **supports** including Geosequestration and Desalination systems or works, which are existing SSD categories, as designated development in Schedule 2 of the proposed 2021 Regulation. We support the rationale for these changes included in the Regulatory Impact Statement, which notes designation to enable third party merit appeal rights is justified as these activities can result in significant environmental impacts.

***Exclude activities from being designated development and update categories based on industry changes***

31. As noted above, we support the principle of 'non-regression' – both in relation to environmental protection and public participation and transparency. This is consistent with the aims of the Planning Act. We refer to non-regression to mean that rights, obligations and safeguards related to public participation in the planning system should be maintained (where fully effective) or advanced (where improvement is required). Put simply, it means that policy and law reform should protect and advance existing rights, obligations and environmental safeguards, and ensure they are not reversed or eroded. Accordingly, **we do not support** amending categories of designated development which effectively would further limit the types of development that would be subject to third party merits appeal rights where these activities present a high risk of harm to the environment, for example, poultry farms, as further discussed below.

*Poultry farms*

32. We **do not support** introducing a 10,000 bird threshold to exclude smaller poultry farms that are in sensitive locations from being designated development (see cl 10 Schedule 2 of the Proposed 2021 Regulation), given their potential to cause water pollution, odour and other amenity issues that concern and affect neighbouring residents. This is based on our experience fielding and assisting community legal enquiries relating to pollution from poultry farms, including smaller operations. Detailed upfront assessment and public participation enables such impacts to be predicted, assessed, exhibited and (if approved) appropriately managed. If there are genuine reasons why certain parts of an EIS are inappropriate or not needed in particular contexts, evidence should be provided and reviewed by the EPA, DPIE and independent experts.

***Align with POEO Act activities***

33. As a general rule, we support continued alignment of designated development with requirements for an EPL, where this is consistent with the principle of non-regression. As currently drafted, the Proposed 2021 Regulation would effectively remove third party merit appeal rights and reduce environmental controls in relation to some existing

categories of designated development by increasing thresholds. We **do not support** these amendments and recommend that designated development thresholds are aligned with POEO Act activities by adopting the lowest threshold in accordance with the principle of non-regression.

**Update location-based triggers for designated development**

*Replacement of definition of 'environmentally sensitive area' with 'environmentally sensitive areas of State Significance' – adopt a highest common denominator approach*

34. EDO **supports** the concept of limiting impacts in defined *environmentally sensitive areas.* We note that the Proposed Regulation 2021 replaces the term '*environmentally sensitive areas'* with the new term *'environmentally sensitive areas of State Significance'* (**ESASS**). We **support** this new definition as it adopts the principle of non-regression. That is, existing environmental protections are retained, with reform efforts focused on making them more effective and comprehensive.

35. Consistent with non-regression, we also **recommend** harmonising the definition of ESASS using a highest common denominator approach – across different environmental planning instruments and the Proposed 2021 Regulation. A stronger, harmonised definition would be simpler and more protective, at a time when the benefits of ecological integrity are more widely recognised in planning – from social, economic and environmental perspectives (including for biodiversity and carbon storage).

36. As a separate issue, we remain strongly concerned that some development may be classed as State Significant Development (**SSD**) *because* it is proposed in an environmentally sensitive area of State Significance.[9] This is problematic and can lead to perverse outcomes, as SSD often overrides various environmental safeguards, transparency and public oversight.[10]

37. We **recommend** the *SEPP (State and Regional Development) 2011* be amended to remove these categories from SSD and insert or retain them as designated development in the Proposed 2021 Regulation (thereby requiring an EIS, retaining local input, ensuring other environmental approvals or concurrences are required, and preserving merit appeal rights

[9] SSD categories are largely given effect via the SEPP (State and Regional Development) 2011.
[10] The effect of SSD is fourfold:

- SSD is exempt from a range of approvals under biodiversity, native vegetation, heritage and Aboriginal cultural heritage legislation (EP&A Act ss 4.41 and 4.42).
- An environmental impact statement (**EIS**) and Biodiversity Development Assessment Report (**BDAR**) are required – but these already apply to designated development as well;
- SSD also takes the decision out of the local council's hands. While there would be mixed views on the merits of the Department of Planning making these decisions, some community members feel this removes local influence;
- This is compounded when SSD includes a public hearing held by the Independent Planning Commission, which removes merit appeal rights that the community would otherwise have for designated development.

for communities regarding high-impact proposals.) This would address the perverse outcome that development in sensitive areas may receive *less* environmental protection and oversight if it is declared SSD.[11] In the alternative, and preferably, we **strongly recommend** that environmental protection and oversight of development categorised as SSD is improved by, at a minimum, restoring merits appeal rights, even in circumstances where a public hearing by the IPC has been held.

***Standardisation of wetland buffer to 100m***

38. EDO **supports** the standardisation of wetland buffer zones across Schedule 2 in the Proposed 2021 Regulation and welcomes the increase to the buffer zone, for some forms of designated development. However, we **recommend** the proposed distance of 100m for these buffer zones be scientifically reviewed for its adequacy in case more than 100m is needed.

***'Associated works'***

39. The EDO **does not support** excluding associated works such as access roads when calculating the distance from a dwelling in the context of determining whether a development is designated development (see clause 2(3)(a) 'Measuring distances' of Schedule 2 under the Proposed 2021 Regulation and throughout the Proposed 2021 Regulation). The effect of this amendment would be to potentially limit the opportunities for residents in close proximity to proposed development to make an application for merits review of an approval. This is not consistent with the principle of 'non-regression' for rights and obligations.

**(B) Environmental assessment under Part 5 of the Planning Act**

***Require that certain REFs be published on the Planning Portal***

40. EDO strongly **supports** REFs being made available to the public, however we recommend that there be no capital investment value threshold for the publication requirement. The capital investment of the project does not necessarily correlate to the environmental impact or public interest in the public exhibition of REFs. We **recommend** that the Proposed 2021 Regulation be amended to require that all REFs be made publicly available.

41. However, it is not sufficient to publish REFs only after approval. We **recommend** that the Proposed 2021 Regulation be amended to require that REFs must be published for community input prior to any approval. Requirements to consider community feedback will help to instil public confidence. We also **recommend** the Regulation require regular publication of statistics related to environmental assessment of Part 5 activities. For example, reporting how many activities assessed and approved in a given year, by each

[11] Although we have framed this in relation to the proposed changes to the categorisation of development in environmentally sensitive areas of State significance, we remain concerned about the perverse oversight outcomes associated with SSD categorisation for all classes of development.

State agency or local council, are subject to an REF or EIS; and how many assessments led to refusal or re-design.

***Specify that relevant factors must be considered***

42. EDO **supports** making it plain on the face of the regulation that the determining authority has a duty to consider any other relevant environmental factors.

43. However, we note that although the impact of the activity on coastal processes and hazards under climate change projections is a listed factor, there is no requirement to consider other climate change projections. For instance, projections with respect to increased flood events, temperatures (including heatwaves) and bushfire hazard levels. Part 5 activities, including roads, electricity infrastructure, stormwater management works, gas pipelines etc will be affected by events caused or exacerbated by climate change, and may inadvertently cause additional impacts on the environment and on human health in these circumstances. These impacts are sufficiently serious to warrant being explicitly listed as a factor to be taken into account, rather than relying on the catch-all "other relevant environmental factors". As such, EDO **recommends** that a relevant factor be listed explicitly specifying that climate change projections must be taken into account in determining the environmental impact of the activity.

**(C) Notification requirements**

***Post determination notifications***

44. We acknowledge the rationale behind specifying different requirements for post-determination notifications to the applicant on one hand and to persons who made submissions on the other.

45. We note that the proposed cl 81(2) includes, at (h), a requirement that post-determination notifications for persons who made submissions include how the person may access more information about the development application. We understand this to be intended to be a link to the relevant Planning Portal, however note our comments above at [20]-[22] in relation to digital literacy and internet access. EDO therefore **recommends** that where such notice is provided, it is made clear to the person where they can access digital copies of the relevant documents and also provide a means of obtaining access to hard copies.

***Notification of concurrence authorities***

46. EDO **does not support** the proposal to remove requirements for consent authorities to notify concurrence authorities and approval bodies, including with respect to modification applications under s 4.55(1) and (1A). The approval of concurrence authorities in relation to applications and modifications is required in part because those authorities have responsibilities and expertise that differ from that of the consent authority. It cannot be assumed that because the consent authority determines that the modification application

involves a minor error (s 4.55(1)), or has a minimal environmental impact (s 4.55(1A)), that the concurrence authority or approval body (the subject matter experts) will also take that view with respect to the impact on its area of responsibility and expertise. This is especially important because the Planning Act empowers the consent authority to unilaterally make the decision about whether a modification has "minimal environmental impact". In our experience, there appears to be a disconnect between what scientific experts and the public consider to be a "minimal environmental impact" compared with the views of developers and consent authorities. The notification of these modification applications to concurrence authorities and approval bodies is a critical component which should not be removed, as it provides expertise, transparency and oversight independent to the consent authority.

47. We acknowledge that this proposal is intended to "streamline" the approval process for modifications, however we are concerned that the desire for speed will come at the expense of the objects of the Planning Act and legislation administered by the relevant concurrence authorities and approval bodies.

***Complying development certificates***

48. EDO **does not support** the proposal that neighbours not be notified before the issue of a modified complying development certificate (where neighbours were notified of the original application). A modification may have an impact on neighbouring properties and their occupants that the original application did not (including impacts during construction), and therefore neighbours ought to be notified of a modification application in addition to being notified of the original complying development certificate.

## E. Conclusion

49. This submission has focussed on three key areas: principles to guide reform of the Proposed 2021 Regulation, as well as proposed changes to designated development and proposed changes to information and notification requirements as discussed in the Department's factsheets.

50. We hope this submission assists the Department to progress the reforms in a way that helps achieve the objects of the Act, including to increase community engagement and public participation in decision-making and encourage and facilitate ecologically sustainable development. We would welcome further opportunities to provide more specific feedback on the Proposed 2021 Regulation.