



# Environmental Defenders Office

## Submissions, Letters and Petitions

*Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).*

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*This factsheet was last updated on 10 December 2021*

### Submissions

A submission is a document setting out your point of view and your argument which supports that point of view. There are three main types of opportunities to make submissions:

First, the public has the opportunity to make submissions in relation to a range of key processes under environmental and planning legislation. Examples include:

- preparation of environmental planning instruments
- assessment of development applications
- preparation of management plans for protected areas and nomination of threatened species and ecological communities.

Second, the government often puts out discussion papers on policy papers as well as draft Bills regarding proposed legislation and invites public comment.

Third, you may decide to make a submission outside the above two more formal processes. Such submissions may be in the form of letters and short documents prepared for meetings, often seeking to pro-actively raise issues before politicians and decision makers.

### **How do I find out about opportunities to make a submission?**

Requests for submissions are generally posted on the website of the government department or local council responsible for administering the process.

The public notice will ordinarily include a closing date for submissions. It is important to make your submission within this period to ensure that it is taken into account by the decision-maker. The relevant decision-making authority is usually bound to take these submissions into account when making his or her decision.

## Why should I make a submission?

Submissions are one of the key ways that the community can engage in environmental planning and decision-making processes. Calls for submissions are often the only way for you to have your say. These consultation processes are therefore a key opportunity for communities and stakeholders to make their voices heard – what do you want to see happen? What do you think is good about what is being proposed? Where do you think changes could be made? Making an effective submission is one of the best ways to communicate your point of view, and to share your local knowledge and experience with decision-makers.

A large number of submissions sends a strong message to decision-makers and can be used to help raise the profile of your concerns.

In the case of submissions in response to a proposed designated development, is important to remember that failure to lodge a submission within the submission period may prevent you from seeking merits review of the decision in the Land and Environment Court later on. If you wish to object to a proposed development, you should clearly state that you are objecting to the proposed development in your submission.

Read: [EDO Factsheet on Development Applications and Consents in NSW for further information on merits review.](#)

## What should I put in my submission?

There is no one formula for writing an effective submission. The aim is to express your point of view as convincingly and persuasively as possible. Remember, the decision-maker may receive many submissions, so you want yours to be easy to read and well expressed.

A good submission should:

- Introduce yourself or your group, acknowledge the opportunity to make a submission and note any relevant work you or your group has done.
- Outline your key concerns and focus your discussion on these. It is not necessary to address the whole proposal - choose the parts that are most relevant to you.
- If possible, make recommendations. Make strong clear statements, e.g., ‘the proposal should be amended to include a requirement that...’
- Use evidence or case studies or stories to support your arguments and recommendations. Give specific examples that draw on your knowledge and experience. If you can, collect other stories that support your argument from others in the community. You can also draw on the work of others, for example scientific publications, government documents, or the work of other organisations.
- Don’t forget to set out the aspects of the proposal that you think are good. There may be other stakeholders who want to get rid of things you think are positive, so it is important to point out what you support.

If you are a member of a group, you should write a submission on behalf of that group, but each member should also write their own submission as well. You may choose to endorse another group's submission. This counts as a separate submission.

### **Structuring your submission**

Make sure you get as much information as possible before writing your submission. Terms of reference or guidelines for submissions are sometimes available from the body calling for submissions. If there are terms of reference, these should frame the structure of your submission. If you do not wish to address or comment on one or more of the terms, you do not have to.

Check whether there are any legislative requirements for the decision maker to take into account in making a decision.

If there are legislative requirements, you should use these to structure your submission. Framing a submission in accordance with the terms of reference or legislative requirements increases its relevance, by addressing the issues in the same way that the decision maker has to. It does not mean you have to disregard other issues. Feel free to raise these upfront where they are crucial to the construction of an issue - or, for example, at the end under 'other issues.'

You don't have to address all of the points required to be considered by the decision maker. If you do not have any comments about a particular point, say so and move on to the next one.

### **Submissions on development applications**

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

Experts may be able to provide evidence to support your case. EDO has an in-house scientific assessment and advice service which can provide expert advice on many matters. For questions outside the ambit of this in house expertise, EDO consults its expert register, which contains a wide range of experts including ecologists, environmental engineers and soil and water scientists.

Always give details about how you arrived at your assertions. For example, instead of saying:

*'The golf course proposal is outrageous. It will pollute the river.'*

You could consider saying something like:

*'Irrigating the lawns of the 50-hectare 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'.*

or:

*'I am concerned about the golf course proposal. As a resident of the area for over 10 years, I have been a frequent visitor to the beautiful red gum forest which is next to the site for the proposed golf course. This is an important area of remnant bush for the community and is home to many native animals. I am also concerned about water pollution, as I understand the new golf course would involve irrigation, fertiliser and herbicides, which would run off into the nearby creek.'*

### **Some last tips for an effective submission**

When writing your submission, keep in mind that you are aiming to convince the person reading it of the main points you want to get across. You want to make it easy for the decision maker to read your submission, to know who is writing it, and to be able to quickly understand your main points.

The following points may improve the effectiveness of your submission:

- make your submission as clear and concise as possible
- avoid using emotive or abusive language
- if your submission is a longer one, include headings and page numbers
- include your name and contact details and date the submission
- ask for a reply to your submission, or consider requesting a meeting with the relevant decision-maker to follow up your concerns

Finally, remember that a submission can be any length, even a couple of lines.

### **Getting your point across**

Ministers often demand that briefs prepared for them by government staff be on page only, regardless of the complexity of the issue. These briefs are always structured around the four headings of 'issue', 'background', 'comment' and 'recommendation'.

You should consider this when lobbying decision-makers, including ministers, government staff, councillors and council staff. It is one of the fundamental principles of good communication that you speak the language of your audience. This does not mean that your message needs to be 'dumbed down'. Briefs frequently 'cheat' by providing multiple appendices that support and amplify on the points contained on the front page of the brief itself. Adopting this approach may be a difficult, time consuming, but ultimately worthwhile, exercise.

As Cicero famously observed: 'If I had more time, this would be a shorter letter.'

## Letters

Writing a letter to decision-makers, particularly elected politicians, is a powerful campaign tool.

The receipt of letters on a particular issue, especially from local constituents, 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, developer, 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.

The same considerations relating to structure of submissions apply to writing letters.

## Petitions

Petitions to government, while not as effective as letters, can give you the numbers to encourage decision makers to take your concern seriously. When lobbying, both the quality and quantity of petitions can help.

Petitions may 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.

**Visit:** The following websites contain guidelines for the format of petitions to state and federal parliaments:

- [Parliament of NSW – Petition the Parliament](#)
- [Parliament of Australia – Petitions rules](#)

Email petitions, where an email is forwarded inviting people to add their names to the bottom of a list are not well regarded. This is because the names are repeated on a number of different emails, so it is not an accurate reflection of the numbers of people who signed the petition.

A better choice than an email petition is an internet petition where supporters are directed to a specific website to add their names to a single list.