

## Chapter 1

# 1. Introduction

Westman (1985) defines an Environmental Impact Assessment (EIA) as a process of assessing the expected and potential environmental impacts associated with a specified development activity (development proposal), while an Environmental Impact Statement (EIS) is the report describing the findings resulting from an EIA. State Forests of NSW (SFNSW) are required under the Environmental Planning and Assessment Act 1979 and the Timber Industry (Interim Protection) Act 1992 to complete an EIS for major forestry operations in native forests.

All EIAs prepared by State Forests have included community participation in some form but with varying degrees of success. However, despite the enormous effort and expense associated with these projects, both the agency and the wider community feel there is considerable room for improvement (Forestry Commission of NSW 1990, Public Accounts Committee 1990, Angel 1991, Howe 1991, Smiles 1991, Forest Planning Working Group 1992, Manidis Roberts Consultants 1993, Pugh 1993 and Squire 1993). In short, people's expectations for community participation are not matching the outcome (Dixon 1992).

The intention of this study is to formulate recommendations for improving community consultation processes (CCPs) associated with forestry EIAs through an in depth evaluation of the community consultation process (CCP) adopted for the Morisset Forestry District Environmental Impact Statement (MFDEIS). As the evaluator is an employee of State Forests, and a member of the EIA study team, a conscious effort is made to evaluate the CCP from the participant's perspective. Recommendations are derived through a process of defining participant expectations, measuring the fulfilment of these expectations and highlighting overall strengths and weaknesses. Suchman (1967), Clark and Stankey (1976) and Hawe, Degeling and Hall (1990) state that an evaluation is an analysis of merit, value or worth, and is a judgement based on personal expectations. Because expectations are the basis for evaluation, this thesis seeks to define expectations and measure their attainment. Further, as the target audience of the CCP was the community, the evaluation is based

primarily on participant expectations. Sewell and Phillips (1979) argue that any evaluation of a public participation program should incorporate participant input.

To gauge the depth and detail of the program and to understand its complex social and political dynamics, a case study approach is used. This enables the evaluator to involve the participants in determining the evaluation objectives, and to capture their perceptions in their own words. The case study is limited to the community participation process under the direct control of SFNSW and does not include CCP components which are the responsibility of the Department of Urban Affairs and Planning (DUAP).

The intention of the research is to assess the CCP in light of participant expectations and to make recommendations for improving CCPs to better meet these identified needs. A comprehensive evaluation such as this can help define problems and improve future performance (Gericke, Sullivan & Wellmen 1992). CCP improvements increase the community's ability to influence the EIA process, streamline the EIA process and reduce expensive and time consuming disruption to the forest industry (Resource Assessment Commission 1992).

Although the virtues and failings of community participation have long been espoused (Sandercock 1975, Heberlein 1976, Molesworth 1985, Tanz & Howard 1991, Forest Planning Working Group 1992, Said 1993 and Sample 1993), the full potential for Australian forest management has been poorly explored. Dennis (1988) and Tipple and Wellman (1989) maintain that responsive forest management is subject to a manager's understanding of and relationship to the local social environment, incorporating both natural and social resource management considerations. Connor (1977) suggests that most agency-driven participation programs strike problems because agencies fail to understand the communities they are supposed to serve. For an agency to serve the public, it must combine professional expertise with an understanding of the community's needs and expectations (Syme 1992). Blakesley and Cubit (1993) argue that public participation is now part of the political landscape and forest managers must come to terms with this, yet there is a relative scarcity of research available to the practitioner (Syme 1991). In particular, Parry (1994) argues that the evaluation of public participation programs is the area of greatest research need.

## **1.1 Aims of the thesis**

Given the lack of research in this field and the professional dilemma for practitioners, the overall goal of this study was to formulate recommendations for improving forestry community consultation processes (CCPs) through a detailed evaluation of a specific community consultation case study. Wadsworth (1991) argues that evaluation research is essentially a collection of other people's evaluation of something. Consequently, this study approaches evaluation from the perspective of participants. The aims of this study are listed below.

- **To determine the strengths and weaknesses of the CCP in fulfilling participant expectations**

Suchman (1967) and Wadsworth (1991) describe evaluation as a judgement of anthropocentric value, merit or worth. They argue that evaluation is an assessment of the difference between expectations and outcomes. In this sense, the evaluation is about defining expectations of key players and assessing whether those expectations were met. Consequently, defining what constitutes 'adequate' or 'successful' community consultation (Morris, Fitz-Gibbon & Freeman 1987) is the first essential step in evaluating the CCP. Windsor, Baronowski, Clark and Cutter (1984) define effectiveness as the extent to which a program achieves its pre-established objectives. These expectations (objectives or performance standards) define how the CCP should be conducted and what it would achieve. Coakes (1991) argues that planners need to understand the perceptions of all affected parties, otherwise our own views of what is acceptable to the community may be inaccurate. In order to evaluate the CCP it was necessary to first investigate and determine measurable evaluation criteria based on participant expectations of how the Morisset CCP should be conducted and what they hoped to achieve.

After defining the CCP performance standards in terms of participant expectations, the evaluation then highlights strengths and weaknesses of both the consultation process and CCP outcomes.

- **To recommend ways of improving the CCP to better meet participant expectations.**

Although there is value in knowing whether the process was adequately conducted and if the outcomes were achieved, there is more value in understanding why. Windsor *et al.* (1984) maintain that the reasons for program success or failure are equally fruitful. The identification of strengths as well as weaknesses in the CCP theory and practice has the potential to generate the most useful information for improving future performance. Homenuck, Durlak and Morgenstern (1977) and Wadsworth (1991) argue that evaluation is also an improvement mechanism for reviewing performance and learning from our mistakes, that is, an agent of change (Windsor *et al.* 1984). After exploring community expectations in relation to the CCP, and assessing their attainment, recommendations for improving future CCP performance are formulated. The lessons learned from this case study may help to avoid the repetition of poor performance and serve to promote more effective practices by either narrowing the gap between expectations and outcomes or making the expectations more realistic.

Although this research furthers the understanding of community participation in general, its primary focus is on a single case study. The major contribution of the research lies in improving current understanding of CCP evaluation.

## 1.2 Evaluation approach

A new evaluation model was developed, partly because of the lack of research examples in this specific field of study, but mostly because of the uniqueness of the MFDEIS. The development of the evaluation model was influenced by reports in the literature, the logistics of this particular case, the nature of the evaluation objectives, and by the level of the evaluator's own experience. In order to achieve stated evaluation objectives, a flexible and comprehensive evaluation approach was essential to suit this particular EIA project. Flexibility enabled the evaluation model to change over time in response to changes in the CCP. Although each evaluation approach has distinct advantages for specific evaluation needs, no single approach was appropriate to address the full range of evaluation aims.

Public involvement is essentially a process (Rosener 1979, Hooper 1992), a means to achieve an expected end. The two fundamental components of any CCP are, therefore, the activities undertaken (the process) and the results of those activities (the outcomes). The central focus of this research, therefore, is the appraisal of these two components. **Process evaluation** (Herman, Morris & Fitz-Gibbon 1987), also known as operational evaluation (Morgenstern, Durlak & Homenuck 1979), is a review of all aspects of program delivery, and focuses on whether the process was run adequately and as intended. In contrast to process evaluation, **outcomes evaluation** (Herman *et al.* 1987, Wadsworth 1991), or impact evaluation (Morgenstern *et al.* 1979), focuses on the outcomes rather than the process itself. Hawe *et al.* (1990) argue that before a correlation can be made between a process and the expected outcomes, one must first determine if the process was implemented correctly. Both process and outcome evaluation approaches are needed to establish important links between actions and impacts.

The process and outcome evaluations required different investigative approaches with distinct timing requirements. The evaluation approach was both **formative**, being continuous throughout the CCP, and **summative** involving assessment at the completion of the project (Herman *et al.* 1987). Ideally, for process evaluation, assessing the process from start to finish, recording all events in detail and conducting periodic monitoring of performance and community satisfaction, is advantageous. To do this, the evaluation and the CCP have to start simultaneously and run in parallel. The research was **naturalistic**

(Herman *et al.* 1987) enabling an in-depth understanding of the CCP through direct experience with the project and its participants. A **collaborative** approach (Wadsworth 1991) was also adopted in which the evaluator shared an interactive role with project managers. Both the naturalistic and collaborative approaches provided an intimate understanding of the process, first hand contact with the people involved, and a greater awareness of the varied and often subtle influences which affected the CCP development and implementation. A range of **qualitative** and **quantitative** data collection techniques were used and, where possible, supported with cross correlation of data. A predominantly qualitative approach was needed to clarify the process and outcome objectives, while both approaches were used to assess their attainment (Herman *et al.* 1987). The advantage of evaluating the CCP from conception to completion is a luxury that few evaluations can claim.

Although the potential audience for this evaluation included academia, practitioners and a range of stakeholders, the community participants, for the purposes of this case study, were identified as the target audience. Wadsworth (1991) refers to the evaluation audience as the **critical reference group**, whose values and expectations define the benchmarks on which the evaluation is based. Morgenstern *et al.* (1979) argue that it is important to determine the type of evaluation which is persuasive to both the agency and the public.

An **audit review** (Wadsworth 1991) is a popular method for both process and outcome evaluation. In its simplest form, an audit review involves checking performance against a set of previously determined standards and expectations. Wadsworth (1991) describes an audit review as an objectives-based evaluation involving the comparison of results with articulated pre-set objectives (evaluation criteria). The basic premise of audit review is that worth or value can be expressed as the discrepancy between what is intended and what actually occurred. A major assumption with audit reviews is that the value or worth of the project has already been defined and all that is needed is a stocktake to see if these standards were achieved. Audit review, therefore, relies heavily on the quality of pre-existing objectives at the commencement of the evaluation. The problem, however, is that this approach does not lend itself to exploring the unanticipated and unarticulated expectations of key players. Windsor *et al.* (1984) maintain that not all aspects of a program are evident during the early planning stages and that there are both explicit and implicit objectives which need to be clarified. Audit reviews often fail to detect these valuable insights, needs

and interests because they were not realised or catered for in the original expectations (Wadsworth 1991).

Because most audiences are familiar with evaluations which focus on the validation of previously set objectives, an effort was made to incorporate an audit review component in the overall evaluation. However, as an audit review requires a clear set of performance standards or criteria, which the Morisset CCP lacked, another approach was needed to identify these process and outcome expectations. The method selected was an **open inquiry** approach (Wadsworth 1991). Unlike audit review, open inquiry does not start with the answers already known (i.e. the evaluation criteria). Instead, as the evaluator commences an unrestricted investigation of the problems associated with the CCP, the open inquiry approach identifies unarticulated standards expected by community participants. As each issue is encountered, new implicit expectations or performance standards are raised. In this way, the open inquiry approach constructs the evaluation criteria or benchmarks to be used in audit review.

Open inquiry processes are also instrumental in understanding and explaining the rationale and concepts of the evaluation theory. Windsor *et al.* (1984) contend that a prime step in undertaking an evaluation is the construction of a conceptual model. This model details the evaluation thought process for assessing the value or worth of the project. The conceptual model explains how the performance measures and indicators set by the evaluator combine to provide the evidence for evaluation conclusions, detailing the arguments for linking the achievement of evaluation criteria to fulfilment of process and outcome objectives.

In summary, this research evaluates both the process and outcomes, by defining expectations, measuring evaluation criteria, and recommending improvements to future CCPs. The evaluation combines elements of naturalistic and collaborative styles as well as qualitative and quantitative data collection methods to develop a comprehensive assessment of the Morisset CCP.

## **2. Community Consultation Process**

### **2.1 Context**

Landre and Knuth (1993) and Herman *et al.* (1987) state that, in order to understand a community participation program, one must appreciate the context in which the program was applied. They maintain that a program takes place within a setting or framework of constraints within which the program must operate. Community consultation does not occur within a vacuum, but is constantly modified through external influences (Lucas 1977). The context of the Morisset CCP is discussed in terms of the case study setting, the historical events leading to the decision to undertake the project, and the statutory and policy framework affecting the EIA.

#### **2.1.1 The case study setting**

The Morisset Forestry District (MFD) stretches from the Hunter River in the north to the Hawkesbury River in the south and is one of six districts within State Forests Central Region (Figure 2-1). The district encompasses 16 state forests covering a total area of 112000 ha (including 2000 ha of eucalypt plantation) in the Lower Hunter Valley and Central Coast of NSW.

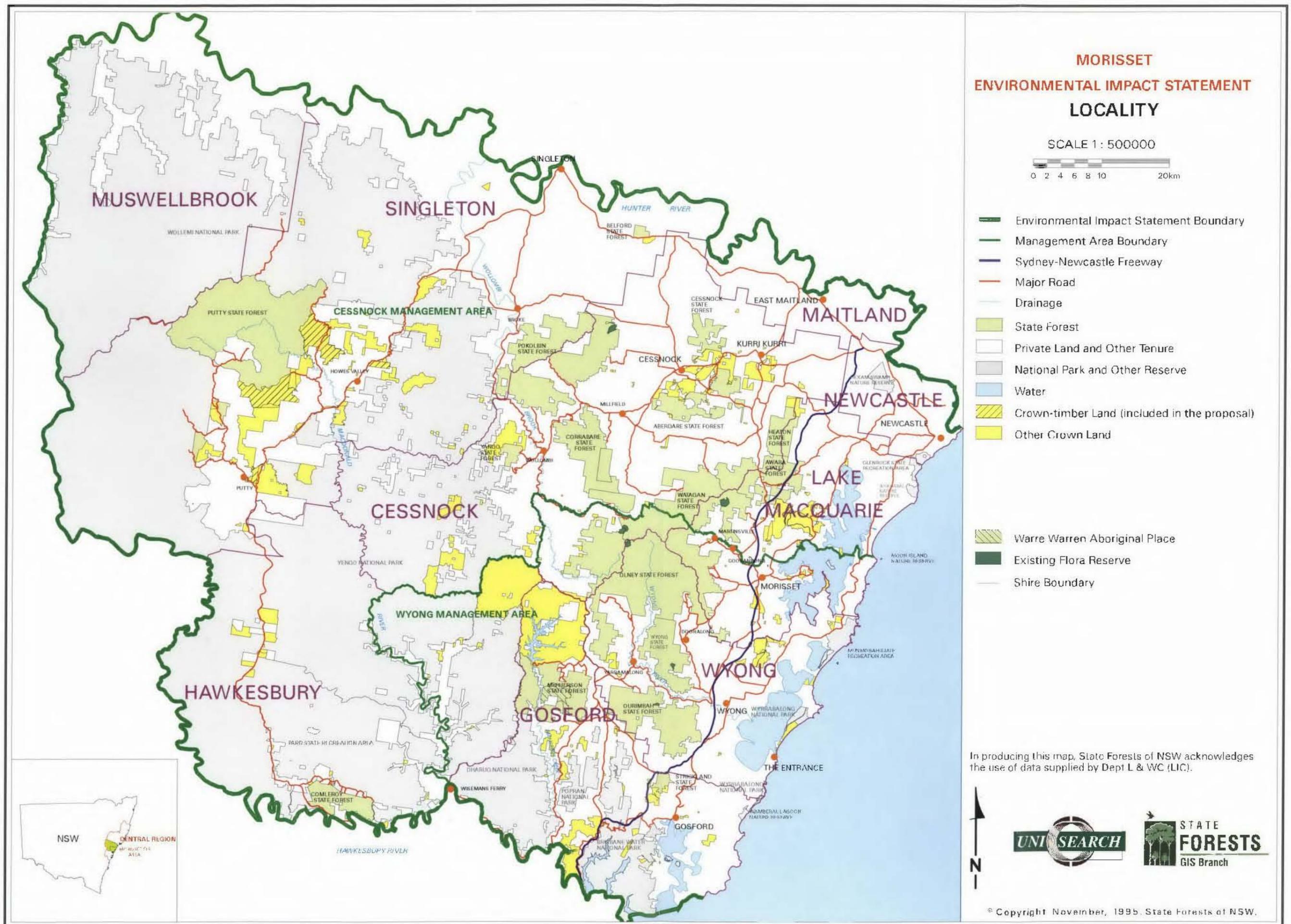


Figure 2-1 EIA study area locality map

Morisset district has a long history of harvesting dating back to 1801 when Red Cedar was first cut along the Hawkesbury and Hunter Rivers. By the 1830s the cedar resource was exhausted and hardwood logging had commenced commercially (Eckford Johnson Enviroplan Group 1995). During this period, industry was poorly regulated and many of the accessible timber resources were over exploited. To conserve the dwindling resource and halt over exploitation, the State Government established the first Forest Conservation Branch in 1882.

When the Forestry Commission was established in 1916, Cessnock and Wyong forestry districts were established and the bulk of the state forests were dedicated. Forest utilisation fluctuated over time with the peak occurring during the Second World War and the Post War building boom of the 1950s. By 1986 the forest estate had reached its current size and was being managed on ten year planning cycles. The latest change in forest management occurred in November 1992 with the restructure of the Forestry Commission into State Forests of NSW and the amalgamation of the older Cessnock and Wyong districts into the new Morisset Forestry District. The long history of repeated harvesting in Morisset has created a forest estate dominated by vigorous regrowth stands. Records indicate that at least 47% of the MFD has been logged three or more times, with some forests as many as 12 times for various products, since 1920 (State Forests of NSW 1995c).

State Forests are now significant landholders in the region contributing to the economic, social and cultural values of nine shires. Table 2.1 details the distribution of land tenure within the EIA study area.

Table 2.1 Proportion of land tenure within the EIA study area

Tenure	Area (ha)	% of total area
State forest (included in EIS proposal)	112,349	10
Other Crown-timber land (included in EIS proposal)	4,918	0.4
Other Crown land	46,803	4.2
National Parks, Nature reserves and State Recreation areas	482,754	43.1
Freehold and other land	473,628	42.3
<b>TOTAL</b>	<b>1,120,452</b>	<b>100</b>

adapted from : State Forests of NSW 1995c

Less than an hour's drive from Maitland, Newcastle, Gosford and Lake Macquarie, the MFD state forests are within easy reach of the largest urban population centres outside the Sydney Metropolitan Area. Because of accessibility and proximity to large population centres, the Morisset state forests have been extensively utilised for a wide range of activities. These forests mean different things to different people. To some it is the source of their livelihood, or a place to relax, while to others it is a place of deep spiritual significance. A review of the range of values associated with these forests provides clues to the kinds of people who may be interested in their management. Some of the prime values are discussed below.

### **Economic values**

The annual sale of around 50,000 gross m<sup>3</sup> of forest products such as sawlogs, pulpwood, poles, piles, girders, mining props, fenceposts, oyster stakes, craftwood and firewood generates almost \$1 million in direct royalty to the State Government, \$6.5 million in industry product sales and \$43.9 million in flow-on multiplier effects in the regional economy (State Forests of NSW 1995c). Approximately 15 sawmills, 3 wood processing plants, 1 wood preservation plant, 11 trucking companies and 12 miscellaneous timber licencees depend partly or wholly on the supply of raw materials from these regrowth forests. The district produces around 20% of the State's hardwood pulpwood and 1.5 % of NSW hardwood timber (State Forests of NSW 1995c). In addition, the local state forest dependent industry directly generates employment for 130 people in sawmills (71 employees), timber contracting companies (33 employees) and forest management (26 employees), and is worth \$1.5 million in wages and salaries (State Forests of NSW 1995c). Other forest activities of economic value include grazing (54 graziers), beekeeping (6 apiarists), flower and foliage collection (6 operators), gravel extraction, transmission and telecommunication facilities, video and movie productions, car rallies, and commercial eco-tourism and training. On a regional scale, however, in comparison to the agricultural, mining, power generation, manufacturing and tourism sectors, the direct economic impacts of the forest industry are relatively minor (State Forests of NSW 1995c).

### **Infrastructure values**

With over 600 km of state forest roading, the district plays a significant role in providing public access throughout the region for commerce, recreation, domestic entry and fire management purposes.

### **Flora and fauna values**

The MFD has a great diversity and abundance of flora and fauna. Vegetation types range from heathland, dry and moist sclerophyll forest, to warm temperate rainforest and swamp communities. The forests contain at least 10 fauna species and 16 flora species considered to be rare or endangered, warranting special management considerations. In addition to the routine conservation prescriptions applied in harvesting operations, approximately 10% of the MFD is set aside specifically for flora and fauna conservation purposes. Management of flora and fauna also involves the control of noxious weeds and feral animals in liaison with forest neighbours.

### **Catchment and soil conservation values**

The MFD forests are spread across the Hawkesbury River, Hunter River and Lake Macquarie-Tuggerah Lake basins and play a vital catchment protection role in 14 river catchments. Water quantity and quality are of particular concern in three of these catchments which supply drinking water to major population centres in Wyong and Gosford. In recognition of this important catchment role, more than 17% (19243 ha) of the district's estate is classed as special emphasis catchment protection forest under State Forests' Preferred Management Priority (PMP) zoning system. Annual rainfall in the district varies from 750 mm in the drier inland forests to over 1200 mm on the coastal escarpment. The majority of soils in MFD are derived from Hawkesbury and Narrabeen sandstones of the Sydney Sedimentary Basin, and are characterised by moderate to low fertilities due to poor nutrient availability and low pH levels. Although most of these soils have a moderate erosion hazard, forestry activities are subject to sediment control strategies to protect the soil resource.

### **Fire management values**

A combination of high population density, rugged terrain, dry forest communities and extreme summer weather patterns has resulted in a long and tumultuous history of wildfire in the region. This was demonstrated in January 1994, when Morisset district became the scene for some of the state's worst bushfires. About 75% of Morisset's fires are caused by human activities, and with the growing population, improved access to the forest and increasing land subdivision, this proportion is likely to increase. As a significant landholder with more than 1000 adjacent neighbours, Morisset district pursues an active hazard reduction burning program across 12000 ha per annum.

### **Education and research values**

MFD has a long education and research history. The forests are regularly utilised by local schools, colleges and universities as outdoor classrooms for studying ecology, geology, geography and wide range of other disciplines. In addition to the ongoing research undertaken by State Forests' Research Division, there are at least 12 university research projects in progress. MFD also plays host to 10 military training exercises per annum involving navigation, bivouac, communications, survival, leadership, medical and engineering exercises. In recent years there has been increasing scope for commercial education and at present there are two executive training companies operating in addition to State Forests' own chainsaw and four wheel drive schools.

### **Recreation and tourism values**

The MFD forests are an attractive recreational destination for tourists and local residents alike. The Watagan Mountains cater for more than 150,000 visitors each year. Recreational pursuits include bushwalking, bird-watching, camping, horse riding, mountain bike riding, four wheel driving, trail bike riding, picnicking, orienteering, rogaining, car rallying, hangliding, endurance riding, archery, rifle shooting, abseiling and astronomy. Many sporting clubs utilise these forests either for one-off events or as permanent occupation sites within the forest. Ecotourism is also increasing and at present there are 27 commercial recreation companies offering forest tours, executive retreats and paintball venues.

### **Landscape values**

With elevations from 40 to 804 m, the MFD forests play a prominent and significant role in preserving and enhancing scenic and landscape values on the Central Coast and Lower Hunter Valley. In particular, state forests provide scenic backdrops for many townships, cities and major transport routes. In addition to this external value, the Watagans are renowned for their internal landscape values such as the outstanding forest drives and scenic recreation areas. Because of these landscape values, 9950 ha of state forests estate (almost 9% of the MFD) has been identified as visually sensitive and zoned as special emphasis visual resource protection areas.

### **Historical and cultural values**

A special feature of the district is its rich archaeological, cultural and heritage values. The sandstone cliffs and caves contain over 180 known aboriginal sites containing some of the most significant aboriginal artwork in NSW. These forests hold great cultural and spiritual significance to the Aboriginal community within the region. The forests are also rich in non-aboriginal heritage, with much of the history of the forests inextricably linked with the history of European settlement. For example, Strickland State Forest, on the outskirts of Gosford, has significant links to the forestry profession in NSW firstly as an early forest nursery and arboretum in 1886 and later as the home of the first state forestry school in 1920.

### **Intrinsic and bequest values**

Finally, in addition to the tangible values of the state forests, there are intrinsic values which are significant to many people in the community (DeLacy 1990, Bateman 1991). Some argue that the forests have a right to exist and flourish without interference from humans. Others believe that the rights and options of future generations should not be ignored. Still others find deep spiritual strength from visiting these forests or great satisfaction in purely knowing that they exist.

Given the wide range of values associated with these forests it is not surprising that a great diversity of people have an interest in their future development. Each individual or interest group is a 'stakeholder' with a right to share in the dividends of these public forests. The ongoing management challenge for State Forests is to operate within this complex social

environment to accommodate stakeholder interests and, if possible, to resolve those in direct conflict with each other.

### **2.1.2 Morisset EIA historical background**

In June 1990, the NSW Government introduced the Forest Strategy. The strategy was developed in response to several Land and Environment Court decisions suggesting that harvesting in certain native forests, and in old growth areas in particular, was 'significant' in terms of the Environmental Planning and Assessment Act (EP&A Act) 1979 (State Forests of NSW 1995b). The EP&A Act 1979 requires the preparation of an EIS for any development which may significantly impact on the environment. Prior to this, State Forests had maintained that its activities were not significant and, therefore, exempt from the requirements to prepare an EIS, although some EISs were prepared for politically sensitive areas such as Washpool and Eden. The Forest Strategy included a moratorium on harvesting major old growth forests pending further investigations.

In 1991 the Endangered Fauna (Interim Protection) Act (EF(IP) Act) was passed by the NSW State Government. This legislation amended both the EP&A Act 1979 and the National Parks and Wildlife Act (NP&W Act) 1974 and required the preparation of a Fauna Impact Statement (FIS) for any activity likely to affect the environment of endangered fauna. Such an activity could not proceed without National Parks and Wildlife Service authority in the form of a conditional fauna licence under Section 120 of the NP&W Act 1974. This decision effectively called a halt to any forestry activity likely to significantly affect endangered fauna and resulted in an immediate impact on the functioning of the native forest industry in NSW. In response to this, the Timber Industry (Interim Protection) Act 1992 (TI(IP) Act) was passed. The TI(IP) Act 1992 provided industry with interim protection by suspending Part 5 of the EP&A Act 1979 enabling harvesting to continue within agreed areas, outside the moratorium areas of the Forest Strategy, pending the completion of the EIS program. Harvesting was restricted primarily to regrowth forests, eucalypt plantations, and some old growth forests of nominated low conservation value. The TI(IP) Act 1992 had effectively given the NSW Forest Strategy legislative force (State Forests of NSW 1995c). The original TI(IP) Act listed 15 EISs (later changed to 16) covering 21 management areas mostly located in the Northern and Central Forestry Regions of NSW. Lasting four years and costing over \$13.5 million to complete, the

TI(IP)Act EIS program became the largest ever undertaken for forest management in Australia (State Forests of NSW 1996).

All of the TI(IP) Act management areas were identified and nominated by conservation groups in recognition of 'old growth' native forest values. Morisset was the exception, being predominantly a 'regrowth' district, it was the only TI(IP)Act EIS nominated independently by State Forests. Morisset was nominated primarily because of its significant historical, social and cultural values, and also because of its long harvesting and silvicultural history. It was envisaged that Morisset would serve as a test case for future regrowth EISs in keeping with State Forests' Corporate objective of accelerating the transition away from old growth forests to full reliance on regrowth forests and plantations.

Originally, only the Wyong Management Area was nominated in Schedule 4 of the TI(IP) Act 1992. However, when Wyong Management Area was combined with Cessnock Management Area to form the Morisset Forestry District in November 1992, SFNSW pushed to have both management areas covered under the one assessment. This was eventually approved by the Department of Urban Affairs and Planning (DUAP) in March 1995. Initially scheduled for completion by 30th September 1994 (TI(IP) Act 1992), the Morisset EIS was repeatedly delayed due to higher priority north coast EISs. Although specialist surveys and data collection commenced in early 1993 the MFDEIS did not advance significantly until the appointment of the study team in November 1994 and the Principal Consultant in January 1995. Despite the fact that the Morisset EIS was the last of the TI(IP) Act EISs to commence it was still completed ahead of several other forestry EISs and eventually published in March 1996.

The purpose of the EIA was to assess the environmental impacts of continuing forestry activities for the next ten years (1996 to 2005) within the Morisset Forestry District and to recommend measures to mitigate any adverse effects on the environment (State Forests of NSW 1995b). The environment was defined as all aspects of the surroundings of humans, as individuals or in social groups. The overall intent of the management proposal was to ensure that the cumulative impacts of the proposal would not cause any long term adverse effects on basic ecological processes and that the integrity of the forest estate would not diminish over the ten year management period (State Forests of NSW 1995b).

SFNSW set up a Head Office EIA management team within its Environmental Assessment Branch (EAB) to overview the EIS program. Although Regional General Managers had final responsibility and accountability for producing the EISs, the Head Office EIA management team was responsible for EIS quality control and standardisation (State Forests of NSW 1993, Operational Circular No 93/9), as well as policy and strategic direction. Each EIS was allocated a full-time regional study team. Although each study team had considerable flexibility in undertaking their EIA, and in particular in designing their CCP, they had to work within a specific statutory and policy framework, agreed procedures, and a phased approval process (State Forests of NSW 1993, Operational Circular No 93/10).

### **2.1.3 Statutory and policy framework affecting the CCP**

A range of statutory requirements, policy guidelines and corporate objectives dictated the scope of the CCP within which the study team could operate. The greatest influence of this framework was evident in the determination of the CCP objectives, process, product and the distribution of decision making power.

#### **2.1.3.1 Compulsory objectives**

A prime objective of SFNSW, and subsequently the study team, was the full compliance with the legislative requirements of the EP&A Act 1979 and Regulation 1994, the EF(IP) Act 1991, the TI(IP) Act 1992, and the DUAP Director's requirements. Most of the relevant legislation focuses on matters of process and content, with no reference to the role and purpose of community consultation. The EP&A Act 1979 is the only exception, stating an objective '*to provide increased opportunity for public involvement and participation in environmental planning and assessment*' (c5c EP&A Act 1979). However, the prevailing legislative and regulatory requirements centre around public access to information at the exhibition phase of the EIA process, the right to make written representations and the right to appeal any decision. In this respect, the statutory requirements offer only reactive consultation and not proactive involvement in the planning process.

Although SFNSW has no specific policies pertaining to community consultation (non-government) in the preparation of EISs, there were some corporate objectives which had relevance. During its restructure in 1992, SFNSW acknowledged a need to redefine its relationship with the community and to change its corporate philosophy (Forestry Commission

of NSW 1993 and State Forests of NSW 1994b). The new philosophy seeks to significantly improve community recognition of the agency as environmentally responsible and competent forest managers (State Forests of NSW 1994b). Recognising that state forests are owned by the community, the agency also expressed a desire to foster openness and transparency of decision making through public participation and responsiveness to that input (Forestry Commission of NSW 1993). This was reflected in corporate objective A6, which stated a commitment to ensuring forest operations are both ecologically and socially sustainable by increasing effective community involvement in forest management (Forestry Commission of NSW 1992). Because of this policy, the EIA study team was expected to explore options for incorporating community participation beyond the minimum statutory requirements.

In summary, the preset CCP objectives handed down to the study team were:

- to fully comply with all legislative requirements;
- to improve community recognition of SFNSW as environmentally responsible and competent forest managers; and
- to explore options for incorporating a community consultation process beyond the minimum statutory requirements.

This statutory and policy framework left considerable scope for the EIA Study Team to develop their own discretionary CCP objectives.

### **2.1.3.2 Compulsory processes**

The EIS had to be prepared in accordance with the EP&A Act 1979, the EP&A Regulation 1980, TI(IP) Act 1992, EF(IP) Act 1991, NPW Act 1974, the DUAP's Manual for Environmental Impact Assessment, and the written requirements of the Director of Urban Affairs and Planning 19/1/1994. In addition, SFNSW also had internal policies (Operational Circulars No 93/9, 93/10, 94/06, 94/10), which provided guidelines for the study team in implementing the EIA. Operational Circular 93/10 defined the following eight distinct EIA phases to be implemented.

- Scoping and project management
- Engage consultants

- EIS proposal and alternatives
- EIS drafting
- Review of draft EIS
- Print and exhibit EIS
- Post exhibition
- Ministerial consultation

These EIA phases, along with the statutory requirements mentioned earlier, are detailed as a flow diagram in Appendix 1.

A strict timetable was necessary to ensure all preparation phases of the EIS met statutory deadlines, particularly the December 1995 deadline. To assist with this task, a critical path model was developed to identify issues of strategic significance at every stage of EIS development (State Forests of NSW 1993, Operational Circular No 93/3). Apart from the detailed listing of factors to be taken into account when considering the likely impact of an activity on the environment, the legislation set no requirement for community consultation prior to the exhibition phase. Similarly, although SFNSW's internal policies directed strict and detailed protocols for liaison with other government agencies, no fixed requirement for wider consultation with the community was outlined. Consequently, any consultation undertaken prior to the public display of the EIS was based purely on the discretionary power of the study team, with the approval of the Regional General Manager.

#### **2.1.3.3 Compulsory product**

The product of the EIA is the EIS, and its form, structure and content is clearly defined in the legislation. This was significant in terms of the CCP, as the majority of issues to be considered in the EIS were already set prior to any community consultation taking place, regardless of whether or not these issues were relevant to the local community or the study team.

#### **2.1.3.4 Compulsory decision-making power**

Arnstein (1969) and Gillies (1983) maintain that at the heart of every community participation program is the issue of power and that the distribution of decision-making power determines the level of participant influence and control. The statutory and policy framework provides

clear guidelines as to how decision-making power is to be shared. As the current legislation stands there are minimal public participation requirements and the decision to share power is solely the prerogative of the proponent. Some of the key decision issues affecting the EIA and CCP are listed below.

- **The power to undertake the EIA**

The EP&A Act 1979 authorises the proponent to undertake its own EIA. At the time, SFNSW's internal unwritten policy was that the EIS would be prepared by external consultants under the coordination and control of the appointed SFNSW EIA Project Manager.

- **The power to determine who should be consulted, how and when**

Although the statutory and policy framework provides clear requirements on which government departments are to be consulted, any decisions regarding consultation with the wider community, prior to the exhibition phase, are left up to the study team.

Subsequently, the study team possesses the discretionary power to decide who to involve, how and when.

- **The power to approve the proposal**

Section 115A of the EP&A Act 1979 states where a proponent is its own determining authority (as SFNSW was in the MFDEIS case), it cannot carry out the activity unless approved by the Minister for Urban Affairs and Planning. The Minister can approve the proposal as is, reject it outright or issue a conditional approval. A conditional approval means that the proposed development activities can only proceed under a set of additional and modified conditions. The Minister for Urban Affairs and Planning has the power to alter the proposal if necessary to make it acceptable for the determination stage of the EIA.

- **The power to determine the EIS**

Although the original TI(IP) Act 1992 establishes the Minister for Urban Affairs and Planning as the determining authority, this requirement was later reversed when the Minister nominated SFNSW as the determining authority. SFNSW now had the power to approve the implementation of the proposal (as per Section 110 of the EP&A Act 1979)

and determine the significance of any environmental impact. SFNSW has no policy of forfeiting this control.

- **The power to instigate a public inquiry and settle disputes**

In addition to the power to approve the proposal, the Minister for Urban Affairs and Planning has the right to hold a public inquiry at any time (Section 119 EP&A Act 1979). Commissioners of Inquiry may be appointed by the Minister to investigate any matter under the EP&A Act 1979, including the environmental aspects of any activity or proposed development. Once formed, the Commission of Inquiry is not subject to anyone, including the Minister, in its findings and recommendations. Any such inquiry would be held in public and the Commissioners of Inquiry would have the right to summon any witness to give evidence or make representation (Section 120 EP&A Act 1979). Beyond this inquiry, any unsettled disputes would ultimately be resolved by the NSW Premier or the Land and Environment Court.

The statutory and policy framework defines many of the key structural components of a forestry EIA, including:

- the compulsory CCP objectives to be obtained;
- the factors to be taken into account when considering the likely impact of an activity on the environment;
- how the EIS must be prepared, the contents and form;
- the submission procedure for the EIS;
- the process for making the EIS available for public comment;
- the procedure for the examination of the EIS and any public representations;
- the time frame within which to complete the EIS;
- the government agencies to be consulted; and
- the distribution of decision-making power.

All of the above statutory and policy requirements combine to form a planning framework for the development of the EIA, EIS and CCP. Because the community consultation component of the framework was limited and, in aspects such as public notification, explicitly restrictive, the CCP that was developed was based primarily upon the discretionary powers of the study team.

Mindful of the statutory and policy constraints, the study team began to develop the CCP by first defining their consultation objectives to suit the specific needs of the MFDEIS.

## 2.2 Stated community consultation goals

In January 1995, the newly formed study team formulated the following CCP goals:

The community consultation program will enable State Forests and the consultants to (State Forests of NSW 1995c):

- tap into the wealth of community expertise, knowledge and enthusiasm;
- provide an opportunity for the community to feel part of the EIA process;
- ensure participation is representative of the whole community; and
- provide decision makers with a greater understanding of key community issues and concerns.

The study team saw the establishment of a Community Consultation Group (CCG) as the main vehicle for achieving the above objectives. The CCG was to be an **advisory body** whose role was to assist the study team with advice on (State Forests of NSW 1995c):

- community uses of state forests and Crown-timber lands in the study area;
- reasons why the state forests and Crown-timber lands are valued by the community;
- alternatives for the management of state forests and Crown-timber lands;
- the possible impacts of alternative management options; and
- formulation of preferred management options.

Although the CCG was to play the major part in the CCP, the study team envisaged that it would be only one element of a wider community consultation program. Community participation would also occur through informal public contact with the study team throughout the EIA process, and through formal written submissions both at the scoping stage of the EIA and after the EIS public exhibition period. The CCG was also expected to consult the wider community in representing community interests (State Forests of NSW 1995c).

Given the compulsory requirements of the legislation, the policy guidelines of the agency and their own discretionary CCP objectives, the study team set about designing their CCP. In January 1995, the newly formed EIA study team prepared their outline of how the CCP was to be implemented. They identified two main target audiences, government authorities and the general community. The key activities of this initial community consultation proposal are outlined below.

### **Government Authorities**

- To issue letters to relevant government agencies advising them of the project and inviting their comments.
- To consult with other government authorities regarding specific aspects of the project.

### **General Community**

- To notify the public of the project and invite community participation by issuing letters to interested groups and individuals, advertising in local and regional newspapers inviting submissions on the scope of the EIS, and issuing media releases to the local and regional media.
- To establish a self-selected Community Consultative Group (CCG) to facilitate a two-way flow of information between the community and the study team, represent the wider community, inform them of progress and issues in the EIA process, obtain feedback from the group, and assist in the assessment of alternative proposals using multi-criteria analysis.
- To hold four meetings with the CCG.
- To issue newsletters, including the minutes of each CCG meeting, to inform the wider community of the results of CCG meetings.
- To conduct community surveys to collect data on recreational and economic values of the forests.
- To publicly display the finished EIS and collate written representations.

These strategies provide an indication of what the study team intended to achieve. However, the fine details of how the CCP was implemented was determined in response to changing circumstances. The following section describes how the CCP was finally implemented and how it contributed to the overall EIA process.

## 2.3 Description of the community consultation process

### Scoping of EIA issues

The CCP officially began with the enactment of the TI(IP)Act by proclamation by the State Governor in 1992. By February 1993 Morisset District staff had issued public notices, in the form of media releases and paid advertisements, to regional and Sydney press (Appendix 2). These announcements called for written expressions of interest to be forwarded to the Morisset District Forester. In addition to media coverage, letters were sent to potential stakeholders requesting comments and suggestions on the issues to be addressed in the proposed Morisset EIS. The study team received 11 written responses from the following interest groups :

Table 2.2 Number of initial responses by interest group

<b>Interest Group</b>	<b>No. of Submissions</b>
Local Government	3
Recreation	4
Business community	1
Forest Industry	1
Landcare Group	2
Total	11

Copies of the public submissions were forwarded to the DUAP for consideration by the Director. The issues raised in these responses were collated by SFNSW planners into a Strategic Issues Paper (SIP) in May 1993. The SIP listed the range of issues to be addressed in the EIA, any inadequacies in current data, and an indication of the issues most likely to be controversial.

Using the SIP as a guide, SFNSW regional planners devised a comprehensive data collection program to extend existing data and address information gaps. The survey program was conducted by numerous sub-consultants on subjects such as Aboriginal archaeology, European heritage, diurnal birds, arboreal mammals and large owls, bats, reptiles and amphibians, socio-economic impacts, recreation, soils and geology, flora, timber

resources, aquatic environment, fire and fuel management, and roads and transport. These sub-consultant surveys were conducted between March 1993 and February 1995.

Most of the sub-consultant surveys included some form of community consultation. The groups and individuals consulted during this phase of the EIS provided local knowledge and experience, expert advice and feedback, assistance in conducting surveys and collating data, and guidance on data collection.

### **Formation of the EIA Study Team**

Prior to the formation of the study team, the District Forester was responsible for tendering the contracts, coordinating the survey program and monitoring sub-consultant performance. Although the majority of the sub-consultant surveys had been initiated prior to November 1994, the EIA study team was not officially formed until December 1994. The team consisted of a Project Manager and Assistant Project Manager (based in the regional office in Taree) and an Operations Manager and Forest Assistant (based in Morisset District). The full complement of the study team was finally completed when the Principal Consultant was appointed in January 1995. The consultancy added a Project Principal, Project Manager and Project Coordinator to the EIA Study Team. Over the period of the EIA, several other assistants were also added and subtracted in response to fluctuations in work demands. Figure 2-2 illustrates the position of the Morisset EIA Study Team in the overall EIA organisational structure of SFNSW.

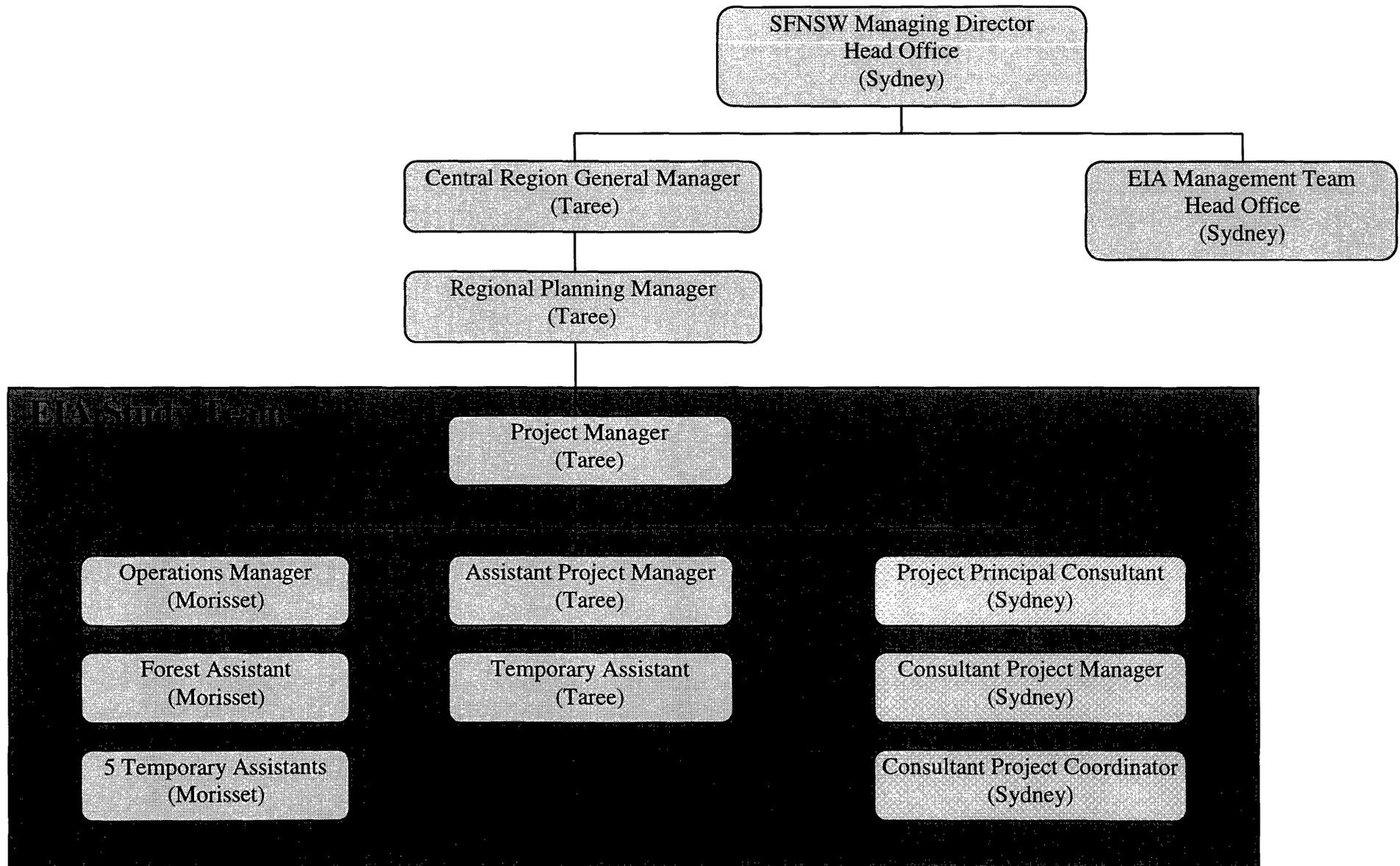


Figure 2-2 Morisset EIA organisational structure

### **Notifying the community and inviting participation**

In January 1995 the study team issued media releases in Sydney, regional and local newspapers, re-advising the public of the preparation of the Morisset Forestry EIS and calling for CCG nominees. In addition, a database of over 400 potential stakeholders was compiled from district files and records, staff local knowledge and local government environmental contact databases. From this contact list, 300 key stakeholders, considered to be opinion leaders or umbrella organisations, were invited to participate in the CCG including timber and sawmill licencees, local government, other agencies, Local Aboriginal Land Councils, apiarists, recreation companies and sporting clubs, community organisations and environmental consultants and groups. It was assumed that associated or affiliated groups would be notified through existing community networks.

In response to the media coverage and notification letters, 64 people contacted the consultants seeking information on the EIS and the CCG. Each enquirer received a nomination kit from the consultants which included a covering letter, nomination form, details on the CCG selection process, the CCG terms of reference and format, date, time and location of the first meeting and a contact name, address and phone number for additional enquiries.

All nominees were asked to elect the interest category they most related to including:

- conservation or other environmental issues;
- timber supply and forest related industries;
- well-being of local town and community;
- grazing or other agricultural interests;
- tourism and recreation;
- scientific and educational values of forests; and
- other interest.

All nominees for the CCG were invited to attend the first meeting during which each interest group would be free to select their own CCG representative. Nominees were asked to aggregate into their nominated interest groups to select their representatives. The selection of representatives varied from a secret ballot (Conservation group) to open discussion and consensus (Scientific and Education group and Forest Industry group). In each case, the

process involved the nominees introducing themselves, discussing their background and stating their reasons for seeking selection.

### **CCG meetings and field trip**

Over the subsequent six months five official CCG gatherings were held. Table 2.3 summarises the purpose of each meeting, the date, time and location, and participant attendance records.

The CCG meetings were chaired by the Principal Consultant who was appointed by the Study Team prior to the first meeting. The Chairperson was experienced at chairing community consultation meetings and was aware of the Study Team's CCP objectives. The chairperson controlled the conduct of the meetings and set the rules governing participation and behaviour during the meetings. CCG decision-making was not to be based on participant voting but rather on consensus with the chairperson acting as facilitator. At the beginning of each meeting the Chairperson would outline the proposed draft agenda and seek consensus from the CCG on its adoption or alteration before commencing further discussions. Issues were discussed in an orderly manner and speakers were provided the courtesy of having their say without interruption from other CCG members or meeting observers. Observers were not permitted to speak directly to the meeting but encouraged to pass on questions or comments through their nominated representative on the CCG. This was to mitigate against any interruptions and allow CCG members to have their say without fear of heckling from the audience. While the chairperson was vigilant in ensuring that each CCG member's right to uninterrupted speech was protected, the chairperson was also proactive in mitigating against the more vocal members dominating the discussions. For example, if the chairperson considered a CCG member had spoken for an unreasonable amount of time, the chairperson would interrupt that member, paraphrase the main points raised, and then attempt to involve the less vocal members by requesting their opinions on these points. In this way the Chairperson played an important role in controlling discussion during the meetings.



Plate 1 Fourth CCG meeting.

Table 2.3 Summary of CCG meetings and field trip features.

<b>Event</b>	<b>Place, Date &amp; Time</b>	<b>Attendance Record</b>	<b>Agenda items</b>
1st Community Consultation Group Meeting	<ul style="list-style-type: none"> <li>• Morisset Returned Soldiers League Club. Conference Hall.</li> <li>• Wednesday 22nd February 1995</li> <li>• 6.30pm to 10.00pm</li> </ul>	<ul style="list-style-type: none"> <li>• 64 CCG Nominees</li> <li>• 2 SFNSW staff</li> <li>• 6 study team staff</li> <li>• 10 observers</li> </ul>	<ul style="list-style-type: none"> <li>• Welcome and study team introduction</li> <li>• Scope of the EIA study and overall EIA process</li> <li>• CCG self selection process</li> <li>• Introduction of the 21 newly elected CCG members</li> <li>• CCG house rules</li> <li>• Selection of next meeting's agenda and date</li> </ul>
Forest field trip (2 mini-buses)	<ul style="list-style-type: none"> <li>• Watagan and Olney State Forests</li> <li>• Sunday 19th March 1995</li> <li>• 9.00 am to 4.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 14 CCG Members</li> <li>• 4 SFNSW Staff</li> <li>• 3 study team staff</li> <li>• 4 observers</li> </ul>	<ul style="list-style-type: none"> <li>• Sites visited included a hazard reduction burn area, wildfire burn area, regrowth forest, forest lookout, picnic and camping area, bee site, fully integrated harvesting operation, eucalypt plantation, historical site, flora reserve and a forest grazing lease.</li> </ul>
2nd Community Consultation Group Meeting	<ul style="list-style-type: none"> <li>• Morisset Returned Soldiers League Club conference hall.</li> <li>• Wednesday 29th March 1995</li> <li>• 6.40 pm to 10.00 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 20 CCG members</li> <li>• 1 SFNSW staff</li> <li>• 6 study team staff</li> <li>• 2 other agency reps</li> <li>• 4 subconsultants</li> <li>• 8 observers</li> </ul>	<ul style="list-style-type: none"> <li>• EIA progress report</li> <li>• Slide presentation on current forest management</li> <li>• Subconsultant presentations on ground and arboreal mammals, large owls, bats and European history reports (15 minutes each)</li> <li>• General business and discussion</li> <li>• Selection of next meeting's agenda and date</li> </ul>
3rd Community Consultation Group Meeting	<ul style="list-style-type: none"> <li>• Morisset Returned Soldiers League Club dining room</li> <li>• Wednesday 3rd May 1995</li> <li>• 6.45 pm to 9.45 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 18 CCG members</li> <li>• 7 study team staff</li> <li>• 7 SFNSW staff</li> <li>• 2 other agency reps</li> <li>• 6 observers</li> </ul>	<ul style="list-style-type: none"> <li>• Previous minutes and correspondence</li> <li>• EIA progress report</li> <li>• Impact of new Forest Reform Strategy on Morisset EIA</li> <li>• Socio-economic report</li> <li>• Alternative management proposals and multi-criteria analysis (MCA) process</li> <li>• Feasible alternatives and selection criteria workgroups</li> <li>• Workgroup presentations</li> <li>• Selection of next meeting's agenda and date</li> </ul>
4th Community Consultation Group Meeting	<ul style="list-style-type: none"> <li>• Morisset Returned Soldiers League Club conference hall.</li> <li>• Monday 17th July 1995</li> <li>• 6.30 pm to 9.30 pm</li> </ul>	<ul style="list-style-type: none"> <li>• 14 CCG members</li> <li>• 7 study team staff</li> <li>• 7 SFNSW staff</li> <li>• 6 observers</li> </ul>	<ul style="list-style-type: none"> <li>• NSW State Government Reforms Policy and role of Morisset EIA</li> <li>• Federal Government forest policy</li> <li>• EIA and EIS progress report</li> <li>• Preferred proposal selection criteria discussion</li> <li>• Alternative management proposals being considered by study team</li> </ul>

### **Open day**

Once the first draft of the EIS was completed, and just prior to final printing, a public open day, providing the community with a 'sneak preview' of the EIS preferred proposal, was held in mid December 1995 at the Toronto Yacht Club conference hall. On display were 23 computer generated maps from SFNSW's Geographic Information System (GIS), including a satellite image of the entire EIA study area depicting the full extent of forest coverage in the district. An executive summary handout, containing a reduced photocopy and description of each GIS map and a description of SFNSW's preferred proposal, was also available. Visitors were free to conduct their own self guided tour of the maps using the executive summary guide, or to have a guided tour with one of five open day guides.

In addition to media coverage of the event, some 400 written invitations were sent to groups and individuals on the district contact database. Although all CCG members were invited to attend the open day, only 12 were able to accept the offer. A total of 64 visitors attended the open day.

### **EIS exhibition**

To avoid simultaneously releasing 9 detailed forestry EISs at once, and to allow the community to thoroughly review each EIS in a more reasonable time frame, SFNSW staggered the release of its EISs. Consequently, although the Morisset Forestry EIS was published in late December 1995, the official public release of the three main volumes, executive summary and nine supporting documents was delayed until late March 1996. In accordance with the DUAP Director's requirements, the Morisset EIS was simultaneously displayed at 4 metropolitan and 12 regional centres, and copies made available for sale at three SFNSW offices

The EIS display period lasted for seven weeks from 29th March to 24th May 1996. During this time the study team provided informal assistance to anyone preparing a written representation on the EIS. All public representations were forwarded direct to the EIA Management Team SFNSW Head Office. Copies of the submissions were to be made and sent to the EIA study team at Central Region, who would then have an opportunity to review these public submissions and write responses clarifying SFNSW's views on the issues raised. Once the internal review was complete it would be forwarded by the EIA Management Team to the DUAP along with copies of the EIS and all public representations.

By the end of August 1996 130 copies of the EIS and 250 copies of the executive summary had been distributed, and 20 written representations had been received and reviewed by the study team.

Despite the appearance of being a series of distinct events, the CCP was actually a continuous process. The relationship of the CCP to the overall EIA and the evaluation process is illustrated in Figure 2-3. In addition to the formal meetings and exhibitions, informal contacts with the CCG and the general community were maintained throughout the CCP. The study team spent a considerable amount of time talking to people either on the telephone, or face to face in informal meetings, and through written correspondence. The invitation for personal and informal contact was restated at each CCG meeting and in media releases. The study team encouraged these informal contacts as it strengthened their relationship with the CCG and provided an opportunity to address specific issues to a greater degree than was possible in a formal forum.

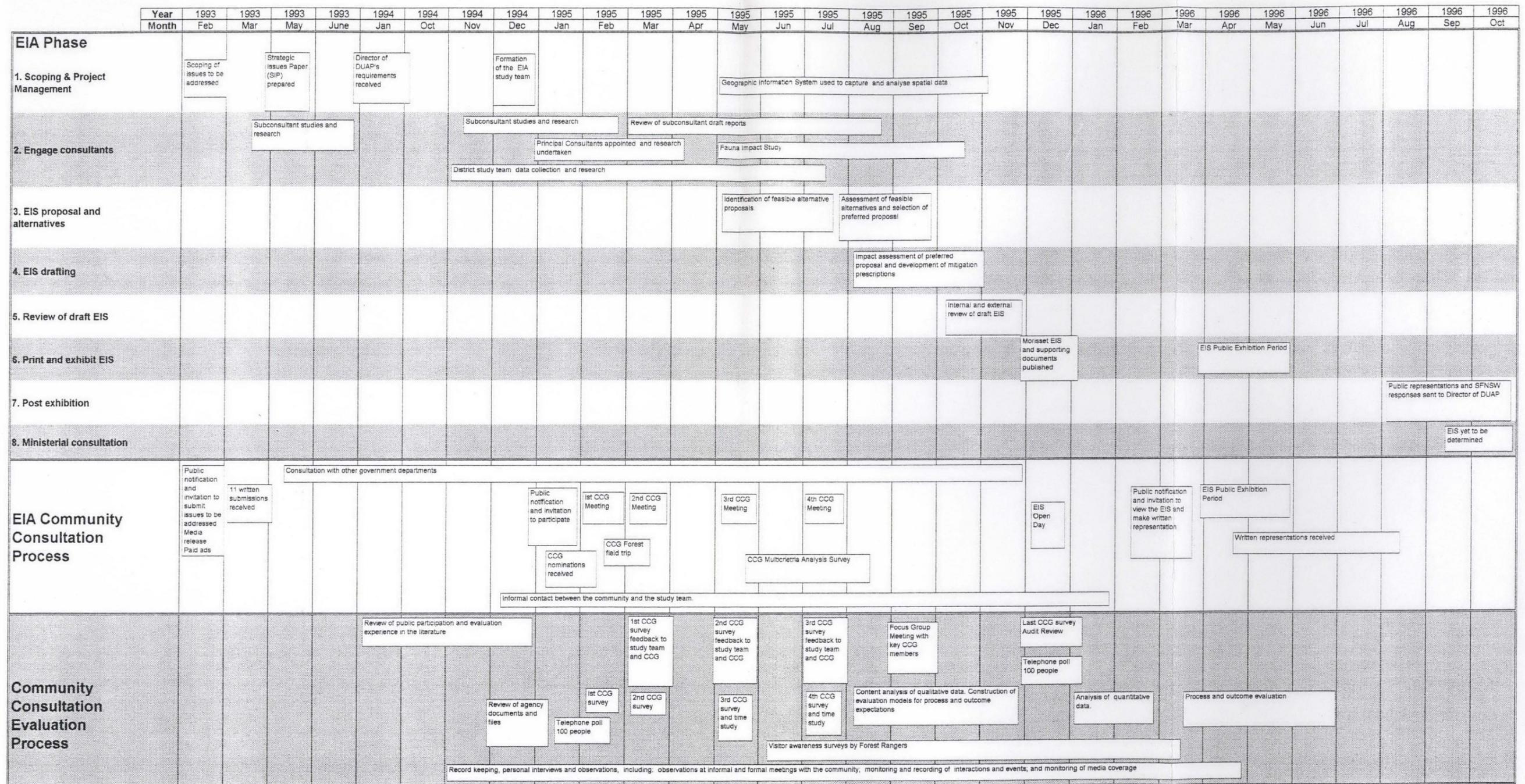


Figure 2-3 EIA, CCP and evaluation time line